



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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May 5, 2026

Jamie Bax, Director  
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**Subject: Root Creek at Riverstone Project (Plan)  
Notice of Preparation (NOP)  
SCH No.: 2026030951**

Dear Jamie Bax:

The California Department of Fish and Wildlife (CDFW) received an NOP of a Draft Environmental Impact Report (DEIR) from Madera County (County) for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan 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

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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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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, projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of a future project 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.

**Water Rights:** The capture of stream flows is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1200 et seq. CDFW, as Trustee Agency, is consulted by SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. CDFW, therefore, has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

**CDFW Ecological Reserve:** Fish and Game Code section 1583 states "Except in accordance with the regulations of the commission it is unlawful to enter upon any ecological reserves established under the provisions of the article, or to take therein any bird or the nest or eggs thereof, or any mammal, fish, mollusks, crustaceans, amphibia, reptiles or any other form of plant or animal life." In addition, California Code of Regulations, Title 14, Section 630 states "All ecological reserves are maintained for the primary purpose of developing a statewide program for protection of rare, threatened, or endangered native plants, wildlife, aquatic organisms, and specialized terrestrial or aquatic habitat types", and therefore, any other activity on these lands is restricted.

**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).

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows

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- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

**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 Plan.

## PLAN DESCRIPTION SUMMARY

**Proponent:** San Joaquin River Ranch, LLC

**Objective:** The Plan proposes to amend the Madera County General Plan to incorporate a New Growth Area and adopt a proposed area plan and specific plan, enter into a development agreement, and grant additional entitlements as necessary to allow for the development of residential, commercial, and mixed-use land uses within the Plan area. Ultimately, the Plan would incorporate an additional 2,524 acres for the future development of up to 14,992 residential dwelling units (single and multi-family); up to 6.1 million square feet of service, commercial, and light industrial uses; 126 acres of public institutional uses including schools; and approximately 208 acres of parks, trails, and open space.

**Location:** The Plan area is located in southeastern Madera County approximately 1.5 miles west of State Route 41 (SR 41), and generally bounded by Avenue 12 to the north, Road 39 to the west, Road 40 to the east, and the San Joaquin River to the south. The Plan area is comprised of Assessor's Parcel Numbers (APNs): 049-051-004, -005; 049-052-005, -003; 049-081-001, -002, -004, -005; 049-082-003, -006, -007, -008); 049-075-003; 049-082-009 and 049-101-014.

## COMMENTS AND RECOMMENDATIONS

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

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## **San Joaquin River and San Joaquin River Parkway**

The San Joaquin River is the longest river in Central California and is lifeline of the many special-status plant and animal species that occur within the river and adjacent habitats. The San Joaquin River Parkway (SJR Parkway) is comprised of several properties along the San Joaquin River from Friant Dam to State Route (SR) 99; the goal of the San Joaquin River Conservancy Act for the SJR Parkway to consist of approximately 5,900 acres for a combination recreational uses, education, and wildlife protection. Currently, the roughly 5,000 acres which have been acquired in furtherance of this goal are owned by the San Joaquin River Conservancy, CDFW, City of Fresno, Fresno County, and Parkway (a non-profit organization formerly known as the San Joaquin River Parkway and Conservation Trust). The Plan's location adjacent to the San Joaquin River and SJR Parkway has the potential to significantly impact the many wildlife and plant species that utilize the river, SJR Parkway and adjacent habitats. The Plan also has the potential to result in significant impacts to many sensitive habitats including streams, wetlands, and associated riparian habitats. Finally, the Plan has the potential to significantly impact ongoing conservation efforts and strategies, public recreational opportunities, and result in substantial cumulative impacts to the San Joaquin River, SJR Parkway, and the biological resources that utilize these habitats.

Additionally, the Plan is located immediately adjacent to the San Joaquin River Conservancy property known as Sycamore Island, which is heavily used by the public for fishing and other day use activities. In April 2026, Governor Newsom announced that Sycamore Island would be part of a new California State Park (see <https://www.parks.ca.gov/NewsRelease/1504>). The Plan should describe how Sycamore Island and public usage of that property may be impacted by Plan buildout.

Additional details, recommendations, and suggestions are provided below.

### **Special-Status Species**

Based on aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDDB) (CDFW 2026), CDFW recommends that special-status species be considered as part of the DEIR that will be prepared for this Plan, including, but not limited to, the species identified in **Attachment 1** of this letter. These resources need to be evaluated and addressed as part of the DEIR and prior to any approvals that would allow vegetation- or ground-disturbing activities. CDFW also recommends that the DEIR analyze potential impacts to these species and provide measurable mitigation measures that would reduce impacts to less than significant levels as needed for projects tiered (streamlined) from this Plan.

### **California Endangered Species Act**

Reasonably foreseeable future projects tiered from the Plan may be subject to CDFW's regulatory authority pursuant to the California Endangered Species Act (CESA). In the

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event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid “take,” or if avoidance is not feasible, to acquire a State ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW recommends that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from the Plan.

### **Special-Status Plants**

CDFW recommends that the DEIR for this Plan include a measure requiring that projects tiered from this Plan located within natural habitats be surveyed by a qualified biologist for any possible special-status plants following the “Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities”. CDFW recommends that the plant surveys be floristic and, if necessary, utilize a known reference site for any special-status plants in order to provide a high level of confidence in the effort and results. In addition, CDFW recommends that mitigation measures for CESA listed plant species, Native Plant Protection Act (NPPA) plant species, and California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) plant species be fully addressed in the CEQA document prepared for any future project tiered from this Plan.

If a special-status plant is found, CDFW recommends that the special-status plant species be avoided whenever possible by delineating and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State- or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW be conducted to determine permitting needs.

### **Lake and Streambed Alteration**

Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires project proponents 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; or (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 in nature. 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, or [R4LSA@wildlife.ca.gov](mailto:R4LSA@wildlife.ca.gov).

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CDFW therefore recommends that the Plan include information related to these requirements of Fish and Game code and advise that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to streams may require the need to notify pursuant to Fish and Game Code section 1602.

### **Wetland and Riparian Habitat**

The Project area contains numerous streams and riparian and wetland areas, including the San Joaquin River and Root Creek. Development within the Plan area has the potential to impact these features, and has the potential to result in the loss and degradation of riparian and wetland vegetation through grading, fill, runoff and related pollution, and related development.

Riparian and associated floodplain and wetland areas are valuable for their ecosystem processes such as protecting water quality by filtering pollutants and transforming nutrients; stabilizing stream banks to prevent erosion and sedimentation/siltation; and dissipating flow energy during flood conditions, thereby spreading the volume of surface water, reducing peak flows downstream, and increasing the duration of low flows by slowly releasing stored water into the channel through subsurface flow. Within the San Joaquin Valley, modifications of streams to accommodate human uses has resulted in damming, canalizing, and channelizing of most streams, though some natural stream channels and small wetland or wetted areas remain (CDFW 2026). The Fish and Game Commission policy regarding wetland resources discourages development or conversion of wetlands that results in any net loss of wetland acreage or habitat value. Construction activities within these features also have the potential to impact downstream waters, such as the San Joaquin River, leading to erosion, scour, and changes in flow and stream morphology.

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

CDFW recommends that the potential direct and indirect impacts to stream/riparian and wetland habitat be analyzed within the Plan. CDFW also recommends that the DEIR include measures to avoid, minimize, and/or mitigate those impacts. CDFW

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recommends that impacts to riparian habitat (i.e., biotic and abiotic/nonvegetative features) take into account the effects to stream function and hydrology from riparian habitat loss or damage, as well as potential effects from the loss of riparian habitat to special-status species already identified herein. CDFW recommends that losses to stream and wetland habitats be offset with corresponding riparian and wetland habitat restoration incorporating native vegetation to replace the value to fish and wildlife provided by the habitats lost from Project implementation. If on-site restoration to replace habitats is not feasible, CDFW recommends off-site mitigation by restoring or enhancing in-kind riparian or wetland habitat and providing for the long-term management and protection of the mitigation area, to ensure its persistence.

### **Water Rights**

CDFW recommends that the DEIR provide a detailed description of all water rights and water entitlements that would pertain to the Plan area, and all reasonably foreseeable future tiered projects, including any applications or change petitions that may be filed to transfer water. If a new water allocation were to occur, CDFW recommends that the DEIR also include an analysis of the impacts of diverting currently unallocated flows, including such details for the point(s) of diversion as a hydrologic study, water availability analysis, and other information that identifies and analyzes the impacts to aquatic ecosystems and fish and wildlife resources.

As Trustee Agency, CDFW is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Given the potential for impacts to special-status species and their habitats, it is advised that details be disclosed during the CEQA process and that required consultation with CDFW occur well in advance of any SWRCB water right application process.

### **Sustainable Groundwater Management Act (SGMA) and Groundwater Dependent Ecosystems**

Potential project-related activities that would be tiered from this Plan, such as surface water diversion to groundwater storage and extraction of groundwater, could result in groundwater water quality impacts, subsidence impacts, and result in changes to available surface and groundwater supply. Many sensitive ecosystems and public trust resources such as streams, springs, riparian areas, and wetlands are dependent on groundwater and interconnected surface waters.

The Project boundary overlaps with the boundary for the Madera Subbasin (Subbasin No. 5-022.06), which was listed as critically overdrafted and designated as a high priority Basin by the Department of Water Resources (DWR). Groundwater Sustainability Plans (GSPs) were prepared for the Madera Groundwater Subbasin and were deemed incomplete by DWR on September 22, 2022. The GSPs for the Madera Subbasin were subsequently resubmitted and approved by DWR on December 21,

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2023. CDFW recommends that the DEIR detail how the Plan and all reasonably foreseen future tiered projects would impact overdraft conditions for the groundwater basin and how this will affect environmental beneficial uses and users, including groundwater dependent ecosystems and interconnected surface waters, including those resources in proximity to the San Joaquin River and Root Creek.

CDFW also recommends that the DEIR include requirements to identify, evaluate, and monitor all groundwater dependent ecosystems that would be affected by Plan activities and those of future tiered projects, and develop a plan to offset losses of groundwater dependent ecosystems caused by changes in hydrology associated with the Plan. The plan should address mitigation for impacted habitat value and function, to achieve a minimum no net loss of these habitats, consistent with California Fish and Game Commission policy on Wetlands Resources.

### **Wildlife Corridors and Habitat Connectivity**

California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors. California Senate Bill (SB) 790, Assembly Bill (AB) 2344, and AB 1889 all address wildlife connectivity in California and assert authority and responsibility to CDFW and/or local and State agencies to implement wildlife connectivity actions by identifying where they are needed, coordinate and implement those actions, and establish compensatory mitigation credits for actions taken. AB 1889 in particular requires the conservation element of general plans to consider the effect of development of wildlife connectivity. The Bill also requires that lead agencies consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science on identifying and maintaining essential linkages and corridors that are essential to maintain landscape connectivity.

The Plan's location adjacent to the San Joaquin River and SJR Parkway could impact wildlife connectivity for many wildlife species that utilize the river and adjacent habitats. Direct and indirect impacts into these habitat types can adversely impact sensitive species including, but not limited to, the species identified in Attachment 1. These impacts can lead to reduction of habitat, reduced reproductive success; reduced health and vigor; nest abandonment; loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young); and introduction of debris and/or deleterious materials into river habitats. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brososke et al. 1998, Kiffney et al. 2003, Moore et al. 2005). As such, CDFW recommends the Plan establish, and tiered projects incorporate, sufficient conservation buffer zones within the Plan area that limits development adjacent to the adjacent San Joaquin River, SJR Parkway, and adjacent habitats. CDFW also recommends the County consult with CDFW to assist with determining appropriate buffer distances.

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CDFW recommends in-depth studies on existing use of the San Joaquin River watershed and wildlife corridor adjacent to the Plan area and surrounding areas in order to evaluate the extent of potential impacts from development on wildlife connectivity and to development different development alternatives. Data collection methods should enable detection of species that have been found to utilize the existing movement corridors, including species mentioned above. The cumulative impacts of adjacent projects on wildlife corridors should also be considered.

CDFW also recommends that projects tiered from the Plan that are located adjacent or in the vicinity of the San Joaquin River and adjacent habitats incorporate project-specific wildlife movement studies to evaluate the potential for the project to significantly impact wildlife connectivity and to guide the development of wildlife corridor mitigation measures to mitigate for connectivity impacts. For projects where wildlife corridor improvement is considered, pre-construction study results should be used to develop biologically feasible movement corridor improvements. Post-construction monitoring should also assess the use of wildlife movement corridors. CDFW recommends that monitoring data be analyzed, summarized, and results discussed in reports be posted for interested parties and submitted to CDFW and other agencies or organizations that have a duty or interest in the effectiveness of wildlife movement corridors.

On- or off-site compensatory mitigation should be implemented to completely offset unavoidable impacts from Plan implementation to avoid significant impacts to existing wildlife corridors. The DEIR should include an analysis of beneficial and feasible wildlife movement corridors and/or crossings at off-site locations that could be improved or constructed to enhance wildlife connectivity.

### **San Joaquin River Restoration Program**

The San Joaquin River Restoration Program (SJRRP) is currently working to restore and maintain fish populations in “good condition” in the mainstem San Joaquin River downstream of Friant Dam to the confluence with the Merced River (i.e., Restoration Area) and restore and maintain naturally reproducing and self-sustaining populations of salmon and other fish. CDFW would like to note that the SJRRP is working on two major passage improvements projects (Sack Dam and Mendota Dam) to allow volitional passage of anadromous fishes upstream to Friant Dam (upstream of the Plan area). Further, CDFW has invested millions of dollars to construct a state-of-the-art Salmon Conservation and Research Facility (SCARF; i.e., conservation hatchery), also upstream of this site, to help with the reintroduction of spring-run Chinook salmon (*Oncorhynchus tshawytscha* pop. 11). Once fully operational, the SCARF plans to release 1.2 million smolts annually from its volitional release channel upstream of the Plan area. Further, the southern section of the Plan area is directly adjacent to important sections of the river for spring-run Chinook salmon to complete various life-cycle stages (egg, juvenile, and adult), with holding, spawning, incubation, and rearing occurring within the adjacent San Joaquin River. As such, CDFW reiterates the recommendation that the Plan area limit development adjacent to the San Joaquin River, SJR Parkway,

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and adjacent habitats and that the County consult with CDFW to assist with determining appropriate buffer distances.

### **San Joaquin Valley Regional Conservation Investment Strategy**

The San Joaquin Valley Regional Conservation Investment Strategy (SJV RCIS) is a conservation planning tool that was developed to assist with coordinated and voluntary conservation actions in the San Joaquin River Basin Area, including the portions of the San Joaquin River and Root Creek, to promote the conservation of species, habitats, and other biological resources (ESA 2025). The SJV RCIS includes conservation and management goals and objectives related to water management, landscape management, and habitat connectivity, in addition to incorporating species-specific objectives. The SJV RCIS also outlines the process for entities to develop Mitigation Credit Agreements (MCAs), which allow entities to develop credits that can be applied to project-related impacts or to fulfill compensatory mitigation requirements. CDFW recommends the County review and consider incorporating applicable conservation elements within SJV RCIS for the portions of the Plan area adjacent to the San Joaquin River and Root Creek. Additionally, the SJV RCIS could serve as advanced mitigation planning tool for the County to potentially fulfill compensatory mitigation requirements for projects tiered from the Plan. Alternatively, project proponents may be able to use the SJV RCIS as a guide when developing appropriate conservation, mitigation, or development projects. CDFW staff are available for consultation for implementation of the SJV RCIS or to assist with the development of MCAs.

### **Cumulative Impacts**

Given that this Plan will serve primarily as a planning tool and that future development projects are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Plan, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Plan, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. As implementation of this Plan would continue to further develop the lands and habitats surrounding the San Joaquin River Parkway, CDFW recommends the Plan include a robust cumulative impact analysis on these lands and the species identified in Attachment 1. CDFW also recommends the cumulative impacts assess the potential impacts to the San Joaquin River and SJR Parkway from the additional groundwater and water allocation usage from the future development with the Plan area. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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## **Plan Alternatives Analysis**

CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis, including the cumulative impact analysis conducted in support of the Plan's DEIR be used to develop and modify the Plan's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

## **Artificial Lighting**

Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Future projects tiered from this Plan could result in disruption of wildlife behavior, inadvertent injury, or mortality.

CDFW recommends that the DEIR for the Plan and future tiered projects include an analysis of the impacts of artificial lighting on biological resources and incorporate enforceable mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting not be installed in ecologically sensitive areas (e.g., streams, wetlands, and habitat used by special-status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

## **Nesting Birds**

CDFW encourages that future projects avoid 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 proponent 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 recommends that a qualified biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the project site to

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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.

CDFW recommends if continuous monitoring of identified nests by a qualified biologist is not feasible, a 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 CNDDDB is populated by voluntary record submissions 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, or lack of recent occurrence records, in the CNDDDB does not mean that a species is not present. In order to adequately assess any potential project-related impacts to biological resources, surveys conducted by a qualified biologist/botanist during 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 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>.

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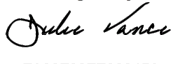
## FILING FEES

The Plan, 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 review by CDFW. Payment of the environmental document filing fee is required in order for the underlying 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 County in identifying and mitigating Plan's impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453, or [john.riedel@wildlife.ca.gov](mailto:john.riedel@wildlife.ca.gov)

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

ATTACHMENT 1- Special-status Species Table

ec: State Clearinghouse  
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# Attachment 1

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
SPECIAL-STATUS SPECIES TABLE**

**PROJECT: Root Creek at Riverstone**

**SCH No.: 2026030951**

Common Name	Scientific Name	Status	
		State	Federal
Bald eagle	<i>Haliaeetus leucocephalus</i>	SE/FP	-
Least Bell's vireo	<i>Vireo bellii pusillus</i>	E	E
Willow flycatcher	<i>Empidonax traillii</i>	E	-
Hairy Orcutt grass	<i>Orcuttia pilosa</i>	E	E
Hartweg's golden sunburst	<i>Pseudobahia bahiifolia</i>	E	E
San Joaquin Valley Orcutt grass	<i>Orcuttia inaequalis</i>	E	T
Succulent owl's-clover	<i>Castilleja campestris var. succulenta</i>	E	T
Greene's tuctoria	<i>Tuctoria greenei</i>	R	E
Swainson's hawk	<i>Buteo swainsoni</i>	T	-
Tricolored blackbird	<i>Agelaius tricolor</i>	T	-
California tiger salamander-central California Distinct Population Segment (DPS)	<i>Ambystoma californiense</i> pop. 1	T	T
Central Valley spring-run Chinook salmon-Evolutionary Significant Unit (ESU)	<i>Oncorhynchus tshawytscha</i>	T	T
Golden eagle	<i>Aquila chrysaetos</i>	FP	-
White-tailed kite	<i>Elanus leucurus</i>	FP	-
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	C	-
Crotch's bumble bee	<i>Bombus crotchii</i>	C	-
American badger	<i>Taxidea taxus</i>	SSC	-
Pallid bat	<i>Antrozous pallidus</i>	SSC	-
Western mastiff bat	<i>Eumops perotis californicus</i>	SSC	-
Western red bat	<i>Lasiurus frantzii</i>	SSC	-
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC	-
Yellow-headed blackbird	<i>Xanthocephalus xanthocephalus</i>	SSC	-
Northwestern pond turtle	<i>Actinemys marmorata</i>	SSC	PT
Western spadefoot	<i>Spea hammondi</i>	SSC	PT

Central California roach	<i>Hesperoleucus symmetricus symmetricus</i>	SSC	-
Central Valley fall-run Chinook salmon-Evolutionary Significant Unit (ESU)	<i>Oncorhynchus tshawytscha</i>	SSC	-
Hardhead	<i>Mylopharodon conocephalus</i>	SSC	-
Kern brook lamprey	<i>Lampetra hubbsi</i>	SSC	-
Pacific lamprey	<i>Entosphenus tridentatus</i>	SSC	-
Sacramento hitch	<i>Lavinia exilicauda exilicauda</i>	SSC	-
Steelhead-Central Valley DPS	<i>Oncorhynchus mykiss irideus</i> pop. 11	SSC	T
Western river lamprey	<i>Lampetra ayresii</i>	SSC	-
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	SSA	T
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	SSA	T
E= Endangered, T= Threatened, C= Candidate for listing as Threatened and/or Endangered, R= Rare, SSC= Species of Special Concern, SSA= State special animal, FP= Fully Protected, PT= Proposed Threatened, (-)= None			