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DEPARTMENT OF FISH AND WILDLIFE



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October 1, 2026

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**Subject: Tulare County Zoning Ordinance Update PZC 25-005 (Agricultural Zones) and PZC 25-008 (Residential Zones) (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2026031301**

Dear Gary Mills:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the Tulare County Resource Management Agency for the above-referenced 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, 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

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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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, future development or activities facilitated by the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent future development or activities facilitated by the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

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:

- 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).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code § 2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued.

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 nests, and eggs 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 on any State or federal list pursuant to CESA and/or the federal Endangered Species Act to be considered endangered, rare, or threatened

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under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County Resource Management Agency (County)

Objective: The Project proposes to amend the Agricultural Zoning and Residential Zoning sections of the Tulare County Zoning Ordinance to ensure that the Zoning Ordinance conforms to the Tulare County General Plan, is more streamlined, and is easier to navigate. Additionally, the Project proposes to update the “by-right” uses, as well as additional permitted uses within the Agricultural zones.

Location: The Project covers the entire County of Tulare and encompasses approximately 2,988,791 acres.

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 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 Project.

Biological Resource Impacts

The DEIR concludes that the Project would have less than significant impacts on biological resources and relies on the mitigation measures adopted with the Tulare County General Plan 2030 Update Environmental Impact Report (EIR) (State Clearinghouse No. 2006041162). However, the DEIR does not clearly explain how the mitigation measures would remain effective in the context of the proposed amendments to the Zoning Ordinance. For example, the DEIR does not evaluate whether the proposed by-right uses would affect implementation of the biological resource protections relied upon in the General Plan EIR.

CDFW recommends the DEIR identify any changes in the proposed zoning amendments that would convert existing discretionary approvals to by-right or other nondiscretionary approvals. For example, the proposed amendments include at least one identifiable change from discretionary to nondiscretionary approval. The proposed Agricultural Zoning Land Use Matrix classifies mushroom growing as a by-right use in all agricultural zones. Existing provisions, however, expressly require a Use Permit for mushroom growing in several agricultural zones, and the proposed amendments repeal

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mushroom growing from the corresponding use-permit lists. CDFW recommends the County identify this and any other discretionary to nondiscretionary approvals and explain whether the biological resource protections relied upon in the General Plan EIR remain applicable and enforceable when project-level discretionary review is no longer required.

Accordingly, CDFW recommends the County identify any proposed amendments that would change any existing discretionary approval to a by-right or other nondiscretionary approval and evaluate those changes specifically. For each such change, the DEIR should explain whether the biological resource protections relied upon in the General Plan EIR would remain applicable and enforceable before development or activities that could have potentially significant impacts to biological resources occur.

FILING FEES

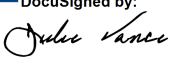
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental 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 DEIR to assist the County in identifying and mitigating Project impacts on biological resources.

If you have any questions regarding this letter or further coordination, please contact Stephanie Manzo, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 578-0409, or by electronic mail at Stephanie.Manzo@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

ec: State Clearinghouse
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