



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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May 21, 2026

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**Subject: Tule River Tribe Complete Streets and Two Pedestrian Bridges Project
(Project)
Draft Initial Study (IS) and Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2026041305**

Dear Sarah Weaver:

The California Department of Fish and Wildlife (CDFW) received an IS and MND from the City of Porterville (City) 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

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, 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: City of Porterville

Objective: The Project proposes to construct two new pedestrian bridge crossings, one a replacement for an existing pedestrian swinging bridge and the other a new pedestrian bridge to connect Cow Mountain Road and the corridor to the Justice Center. The Project also includes 3,765-square feet of concrete sidewalk, seven accessible curb ramps, two streetlights, eight Rapid Flashing Beacons (RRFBS), two raised pedestrian crossings, parking stalls, and landscaping/irrigation for the length of the Project.

Location: The Project site is located along the South Fork of the Tule River exclusively within the Tule River Reservation, which is located approximately 20 miles southeast of Porterville. The Project site is located within Assessor Parcel Number (APN) 307-210-011.

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COMMENTS AND RECOMMENDATIONS

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

The MND notes the Project site's surrounding landscape consists of various community infrastructure buildings and residences to the north and south. Aerial imagery shows the South Fork Tule River (SFTR), with associated riparian vegetation, traverses east to west through the Project site. The Project site vicinity consists of oak woodland, comprised of a mix of interior live oak (*Quercus wislizeni*) and blue oak (*Quercus douglasii*) woodland, annual Grasslands, and ruderal habitats. Gibbons Creek connects to the SFTR just to the east of the Project site.

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 of these measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including but not limited to: the State and federally endangered foothill yellow-legged frog South Sierra Distinct Population Segment (DPS) (*Rana boylei* pop. 5); the State candidate Crotch's bumble bee (*Bombus crotchii*); the State species of special concern Townsend's big-eared bat (*Corynorhinus townsendii*) and western mastiff bat (*Eumops perotis californicus*); the State species of special concern and federally proposed threatened California spotted owl (*Strix occidentalis occidentalis*); and the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*).

CDFW also has concerns about the ability of some measures to reduce impacts to less than significant and avoid unauthorized take for several special-status plant species, including but not limited to, the State endangered, federally threatened, and California Rare Plant Rank (CRPR) 1B.2 Springville clarkia (*Clarkia springvillensis*).

Foothill Yellow-Legged Frog

The Project site is within the geographic range of foothill yellow-legged frog (FYLF) and suitable habitat is present within the SFTR. The MND states the Project site's riverine and riparian habitats are potentially suitable for FYLF presence, but concludes the species potential for occurrence is unlikely as there are no California Natural Diversity Database (CNDDDB) observations and the species is thought to be extirpated from this portion of the species range. It does not appear that surveys were conducted to confirm absence of the species within the Project site. CDFW does not concur that FYLF are

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extirpated from this portion of their range and would like to note that a lack of CNDDDB observations does not mean a species is not present. It could potentially just mean there is a lack of survey effort and data. As the Project site contains suitable FYLF habitat and is within their geographic range, and it does not appear that focused surveys for FYLF were conducted, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 1: FYLF Protocol Surveys

CDFW recommends survey protocols be conducted in accordance with the Considerations for Conserving the Foothill Yellow-Legged Frog (CDFW 2018), and that surveys be completed prior to any ground-disturbance activities associated with the Project. These surveys should be conducted within, upstream, and adjacent to the SFTR area and shall include a description of any standing or flowing water.

Recommended Mitigation Measure 2: FYLF Avoidance and Take Authorization

If any FYLF are found during protocol surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can 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 prior to any take, to comply with CESA. CDFW also recommends that initial construction activities be timed to avoid the period when FYLF are most likely to be moving through upland areas (i.e., November 1 to March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends that a qualified biologist monitor construction activity daily for FYLF.

Crotch's Bumble Bee

The MND states that Crotch's bumble bee (CBB) has the potential to forage, nest and overwinter within the Project site. The MND includes Mitigation Measures (MM) BIO-4.3a, 4.3b and 4.3c to mitigate for potential significant impacts to the species, which requires construction activities to take place between October and February outside of CBB nesting season. If Project-related activities are slated to occur between March and September, a qualified biologist would conduct preconstruction surveys within the work areas and suspected CBB nests would be avoided by an appropriate no-disturbance buffer during construction until the biologist has determined the nest is no longer active. CDFW concurs with these measures but recommends that MM BIO-4.3b be modified to clarify that surveys would follow the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) document. CDFW also recommends that MM BIO-4.3c be modified to include the following:

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Recommended Mitigation Measure 3: CBB Avoidance and Consultation

If CBB is detected, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If CBB has been detected during appropriate surveys and ground-disturbing activities will occur, consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take. If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

Special-Status Bats

The MND states that various bat species, including Townsend's big-eared bat (TBEB) and the western mastiff bat (WMB), may utilize the habitats within the Project site. The MND includes MM BIO-4.7b, c, and d to mitigate for potential significant impacts to special-status bat species, which require preconstruction roosting bat surveys, and establishment of an appropriate no-disturbance buffer around roosts. CDFW concurs with these measures and recommends the qualified biologist utilize ultrasonic detectors during surveys to identify species and time surveys to occur during pre and post emergence timeframes. CDFW also recommends that MM BIO-4.7 c specify that no-disturbance would be no less than 100 feet around active roost sites. Finally, CDFW recommends, in the event a bat roost is identified, and work is planned to occur during the breeding season, CDFW be consulted to determine measures to prevent breeding disruption or failure.

California Spotted Owl

The Project site is within proximity to the known breeding range of the California Spotted Owl (CSO). CSO are known to occur within the Sierra Nevada Mountains year-round and may migrate to lower elevations in winter. The species has been known to occur in oak woodland and mixed coniferous forest habitats as low as approximately 1000 feet in elevation (Shuford and Gardali 2008). The MND includes MMs BIO-4.6a, b, and c, to mitigate for potential significant impacts to nesting birds and raptors, which presumably would include CSO; however, no species-specific surveys were conducted, no species-specific mitigation measures were included, and the MND does not have a discussion on potential impacts to CSO. As such, CDFW recommends the MND include the following:

Recommended Mitigation Measure 4: CSO Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment to determine whether suitable nesting or wintering habitat is present within the Project site.

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Recommended Mitigation Measure 5: CSO Protocol Surveys

If suitable habitat is determined to be present, CDFW recommends a qualified biologist conduct surveys for CSO and their requisite habitat features following the Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls survey protocol (USFWS 2011).

Recommended Mitigation Measure 6: CSO Consultation

If a CSO or CSO nest is found, it is recommended that the Project proponent consult with CDFW to determine an appropriate no-disturbance buffer and implement appropriate avoidance and minimization measures.

Northwestern Pond Turtle

The MND notes that northwestern pond turtle (NWPT) has the potential to be present within the Project site and MM BIO-4.4a, b, and c, are provided to mitigate for potential significant impacts to these species. CDFW concurs with these measures and also recommends that focused surveys for nests occur during the egg-laying season of March through August to identify and avoid impact to NWPT nests. NWPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). As such, CDFW recommends these survey efforts extend a sufficient distance upslope from the SFTR. CDFW also recommends that any NWPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project site. If NWPT individuals are discovered at the site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

Special-Status Plants

The MND notes that special-status plants have the potential to be present within the Project site and MM BIO-4.1a, b, and c, are provided to mitigate for potential significant impacts to these species. CDFW concurs with these measures and recommends that surveys also be focused during the blooming period for Springville Clarkia, as the species was documented within approximately 1 mile of the Project site and suitable habitat appears to be present. Additionally, if State endangered, threatened, or rare plants are identified during special-status plant surveys and take cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), consultation with CDFW for acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b), is necessary to comply with CESA and the NPPA.

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Editorial Comments and/or Suggestions

Nesting Birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Artificial Lighting: Proposed Project activities include construction of two pedestrian bridges over the SFTR riparian corridor and associated habitats, where a number of wildlife species are known to occur. Project construction is also likely to incorporate appropriate 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

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movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

CDFW recommends the MND 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, where feasible and safe, 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.

Lake and Streambed Alteration: The MND notes that a Lake and Streambed Alteration Agreement would be necessary for the construction of the two pedestrian bridges. CDFW concurs that Project activities are likely subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Project activities that substantially change the bed, bank, and channel of any river, stream or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

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

California Natural Diversity Database (CNDDDB) Positive Submission of Data:

Please note that the 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

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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>.

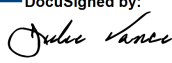
FILING FEES

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).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the City 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 or by email at john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

ATTACHMENT 1 - MMRP Table

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Attachment 1

Attachment 1

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

**PROJECT: Tule River Tribe Complete Streets and Two Pedestrian
Bridges Project**

SCH No.: 2026041305

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Foothill Yellow-Legged Frog (FYLF)	
Recommended Mitigation Measure 1: FYLF protocol surveys	
Recommended Mitigation Measure 2: FYLF avoidance and take authorization	
California Spotted Owl (CSO)	
Recommended Mitigation Measure 4: CSO habitat assessment	
Recommended Mitigation Measure 5: CSO protocol surveys	
Recommended Mitigation Measure 6: CSO consultation	
<i>During Construction</i>	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 3: CBB avoidance and consultation	