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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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June 30, 2026

Steven Sopp, Principal Planner
City of Tulare
411 East Kern Avenue
Tulare, California 93274
(559) 684-4216
ssopp@tulare.ca.gov

Subject: Oakmore Ranch Project (Plan)
Notice of Preparation (NOP)
State Clearinghouse No.: 2026050997

Dear Steven Sopp:

The California Department of Fish and Wildlife (CDFW) received an NOP of a Draft Environmental Impact Report (DEIR) from the City of Tulare (City) for the above-referenced Plan 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 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

[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 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.), related authorization as provided by the Fish and Game Code may be required.

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

PLAN DESCRIPTION SUMMARY

Proponent: Greg Dowds

Objective: The proposed Plan consists of the annexation, pre-zoning, and amendment of the City's General Plan land use designation for the approximately 235-acre Oakmore Ranch (i.e., Plan) area. The Plan would bring the Plan area into the City's jurisdiction and establish land use and circulation frameworks.

As part of the Plan, the City proposes the following General Plan land use designations: Low-Density Residential (164 acres), Medium-Density Residential (45 acres), Neighborhood Commercial (14 acres), and Parks and Recreation (12 acres). Concurrently with annexation, the City would apply corresponding City zoning designations to the Plan area.

No specific development project is proposed for approval as part of this Plan. The Plan's DEIR will evaluate the annexation and associated land use designations at a

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programmatic level, with the understanding that future development within the Plan area would require separate, project-level CEQA review once detailed site plans, phasing, and infrastructure designs are available.

Location: The Plan area is located in unincorporated Tulare County, located immediately east of Oakmore Street, south of State Route 137 (Tulare Avenue), and north of Avenue 228. The Plan area is located immediately east of the City of Tulare and is surrounded by agricultural and rural residential uses. The Plan area is comprised of Assessor's Parcel Numbers 184-040-007, -008, -009, -038, -040, -051, and -052.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Special-Status Species

Based on a review of the NOP, aerial imagery of the Plan area and surrounding landscape, and species occurrence records from the California Natural Diversity Database (CNDDB) (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 State threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern American badger (*Taxidea taxus*); and the State species of special concern and State and federally proposed for listing western spadefoot (*Spea hammondii*). 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.

CDFW also recommends that biological resource mitigation measures for focused species surveys incorporate the following species-specific survey methodology as appropriate:

- **Swainson's hawk:** Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (SWHA TAC 2000)
- **Western burrowing owl:** Staff Report on Burrowing Owl Mitigation (CDFG 2012)

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- **Crotch's bumble bee:** Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023)

- **Special-status plants:** Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018)

California Endangered Species Act

Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to CESA. In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project(s) and avoid "take," or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to any vegetation- or ground-disturbing activities. In addition, CDFW recommends that mitigation measures for the CESA-listed species be fully addressed in the CEQA document(s) prepared for any future projects tiered from this Plan.

Special-Status Plants

The Plan area is within the known geographic range of several special-status plant species that have been documented within the vicinity of the Plan area. CDFW recommends that the DEIR for this Plan include a measure requiring that projects tiered from this Plan located outside of irrigated agriculture 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 2018). 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, consultation with CDFW is recommended to determine permitting needs.

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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.

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.

Cumulative Impacts

CDFW recommends conducting a cumulative impact analysis for all biological resources that would either be significantly or potentially significantly impacted by future projects tiered from this Plan, including biological resources with impacts determined to be less than significant with mitigation incorporated and biological resources that are rare, or are in poor or declining health, that would be impacted by future projects tiered from this Plan, even if those impacts are relatively small (i.e., less than significant). CDFW recommends analyzing cumulative impacts using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on biological resources, and that the assessment focuses specifically on the biological resources, not the projects. An appropriate resource study area should be identified and mapped for each biological resource analyzed and used for this analysis. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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.

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Nesting Birds

CDFW encourages that all projects tiered from this Plan occur during the bird non-nesting season; however, if vegetation- or ground-disturbing activities must occur during the nesting season (February 1 through September 15), each future project applicant is responsible for ensuring that implementation of their 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 pre-project surveys for active nests no more than 10 days prior to the start of vegetation- or ground-disturbing activities to maximize the probability of detecting nests that could potentially be impacted. CDFW also recommends that surveys cover a sufficient area around each future project area to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of vegetation- or ground-disturbing activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests.

Once vegetation- or ground-disturbing activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the activities associated with each 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 implementing a minimum 250-foot no-disturbance buffer around active nests of non-listed bird species and a minimum 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 area would be concealed from a nest site by topography. Prior to implementing a variance from these no-disturbance buffers, CDFW recommends that a qualified biologist assess the site-specific circumstances, provide a biological or ecological justification to support a variance, if possible, and notify CDFW.

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California Natural Diversity Database

Please note that the CNDDB is populated by voluntary submission records of species detections. As a result, species may be present in locations not depicted in the CNDDB, but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. All projects tiered from this Plan should adequately assess any potential project-related impacts to biological resources by ensuring biological surveys are conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology as warranted in order to determine whether or not any special-status species are present at or near the Plan area.

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 biological surveys to the CNDDB. The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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 project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating the Plan's and future project'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).

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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:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
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REFERENCES

California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.

California Department of Fish and Wildlife. 2018. Protocols for surveying and evaluating impacts to special-status native plant populations and sensitive natural communities. Sacramento, California, USA.

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California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). https://www.wildlife.ca.gov/Data/BIOS Accessed 17 June 2026.

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.