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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
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July 9, 2026

Judith Lopez, District 6 Environmental Division
California Department of Transportation
2015 East Shields Ave, Suite 100
Fresno, California 93726
Judith.shaw@dot.ca.gov

Subject: El Dorado 2R Rehabilitation Project ID 0619000044 (Project)
Initial Study with Proposed Negative Declaration
State Clearinghouse No. 2026060458

Dear Judith Lopez:

The California Department of Fish and Wildlife (CDFW) received an Initial Study with proposed Negative Declaration (ND) from the California Department of Transportation (Caltrans) for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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 Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. 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.), related authorization as provided by the Fish and Game Code may be required.

Bird Protection: CDFW has jurisdiction over actions with the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, or 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: Caltrans

Objective: The Project proposes to cold plane the existing asphalt concrete pavement and replace it with a leveling course of 0.15 foot of hot mix asphalt (HMA), a rubberized or geosynthetic pavement interlayer, 0.25 foot of HMA, and topped with 0.25 foot of rubberized hot mix asphalt gap graded. Other Project work would include installing inside and outside shoulder rumble strips and placing shoulder backing. Any severely distressed underlying Portland cement concrete panels will be replaced with HMA. Additionally, guardrail systems, existing drainage systems, dikes, roadside signs, and Traffic Management System elements will be upgraded or replaced as needed.

Location: The proposed Project is located on Interstate 5 in Fresno County between post miles 10.0 and 12.0.

Timeframe: Not included.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially

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significant, direct and indirect impacts on fish and wildlife (biological) resources. Due to the broad geographic scope of the proposed Project, CDFW's comments are based on the possibility that Project activities may occur at any location along the highways listed in the Initial Study, within Fresno County. Editorial comments or other suggestions may also be included to improve a subsequent CEQA document if additional CEQA review is conducted for the Project.

Special-Status Species: Given the countywide nature of the Project, there is the potential for the Project to impact a variety State-listed species. These resources may need to be evaluated and addressed in the CEQA document and prior to Project construction. CDFW has concerns about the following special-status species that the proposed Project may significantly impact, either because they were not identified in the Initial Study or CDFW has additional concerns about Project impacts and avoidance of unauthorized take, including, but not limited the State and federally endangered and California fully-protected blunt-nosed leopard lizard (*Gambelia sila*), State threatened Swainson's hawk (*Buteo swainsoni*), State candidate species western burrowing owl (*Athene cunicularia hypugaea*) and Temblor legless lizard *Anniella alexanderae*), in addition to those listed in **Attachment 1**. CDFW advises that the special-status species be addressed with appropriate avoidance and minimization measures. If take could occur as a result of Project implementation, consultation with CDFW is warranted.

CDFW recommends that habitat assessments be conducted in and surrounding all locations for planned work and identify all the potential plant, animal, invertebrate, and fish special-status species and habitats that could be present. For species with the potential to be present, CDFW recommends a robust analysis of potential Project and cumulative impacts for each of those species along with avoidance, minimization, and mitigation measures that could be implemented at each discreet Project location to reduce impacts to those species. For many species, subsequent protocol level surveys may be necessary during biological studies conducted in support of the presence or absence of a species. Depending on the survey results, avoidance and minimization measures, permits, and mitigation may be required.

CDFW advises that the special-status species be addressed with appropriate avoidance and minimization measures. If take could occur as a result of Project implementation, consultation with CDFW would also be warranted. The special-status species listed below have the greatest chance to be impacted by the Project, or the Initial Study/ND did not address sufficient proposed avoidance and mitigation measures:

Blunt-nosed Leopard Lizard (BNLL)

The Project area is within the known geographic range of BNLL (CDFW 2026) and based on aerial imagery, suitable habitat occurs within and adjacent to the Project area. Suitable BNLL habitat includes areas of grassland and upland scrub that contain requisite habitat elements, such as small mammal burrows. Female BNLL have been

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documented dispersing over a kilometer before returning back to their home range (Tennant 2018). The Natural Environment Study (NES) in support of the ND characterized the habitat in the Project area as unsuitable for BNLL based on the density of grassland habitat in the Project area. Although BNLL are known to occupy sparsely vegetated areas of desert scrub and grassland, they also use open space patches between suitable habitats, including disturbed sites and unpaved roads. The density of vegetation in annual grassland and ruderal areas varies based on seasonal conditions and as a result of fire and mowing. Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to BNLL (CSU Stanislaus 2025).

> **Recommended Mitigation Measure 1: BNLL Surveys.** Where suitable habitat is present, within a year prior to the start of Project construction, CDFW recommends that a qualified biologist conduct surveys for BNLL in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFW 2019). This survey protocol is designed to optimize BNLL detectability. Please note that protocol level surveys must be conducted on multiple dates during late spring, summer, and fall of the same calendar year, and that within these time periods, there are specific date, temperature, and time parameters. As a result, protocol level surveys for BNLL are not synonymous with 30-day "preconstruction surveys" often recommended for other wildlife species.
>
> **Recommended Mitigation Measure 2: BNLL Take Avoidance.** CDFW also recommends that consultation with CDFW occur to discuss how to implement ground-disturbing activities and avoid take if any BNLL detection, known burrows, or egg clutch sites are detected during surveys or during construction of the Project.
>
> **Recommended Mitigation Measure 3: BNLL Take Authorization.** With the passage of Senate Bill No. 147, the incidental take of BNLL may be authorized for certain categories of projects, including maintenance, repair, or improvement to critical infrastructure. If BNLL protocol surveys find that the Project area is occupied, or if Caltrans chooses to assume presence for BNLL, consultation with CDFW is recommended to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA.

Swainson's Hawk (SWHA):

The Project area is within the known geographic range of SWHA (CDFW 2026). The NES in support of the ND characterizes that SWHA are not expected in the Project area due to limited number of trees. However, based on aerial imagery, potential SWHA nesting trees occur within ½ mile of the Project area. SWHA are known to breed within the Central Valley of California and prefer to nest near and forage in alfalfa, fallow fields,

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field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Without appropriate avoidance and minimization measures for SWHA, potentially significant impacts associated with the Project's activities include reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Recommended Mitigation Measure 4: SWHA Surveys. CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000), as part of the biological studies conducted in support of the ND. CDFW also recommends that a qualified biologist conduct follow-up surveys prior to the start of Project construction activities.

Recommended Mitigation Measure 5: SWHA Avoidance Buffer. If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. CDFW recommends these buffers remain in place until the breeding season has ended; or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival; and to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 6: SWHA Take Authorization. CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible during the nesting season, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA.

Western Burrowing Owl (BUOW)

The Project site is within the known geographic range of BUOW, and suitable nesting habitat occurs directly adjacent to the Project area. BUOW typically inhabit open grasslands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW may also use "man-made burrows" such as pipes or culverts. Based on aerial imagery, the Project area and adjacent areas contain suitable habitat for BUOW, including nesting, overwintering, and foraging. The NES in support of the ND characterized the habitat in the Project area as unsuitable for BUOW based on the density of grassland habitat in the Project area. Although BUOW are known to occupy sparsely vegetated areas in grasslands, they will utilize burrow complexes that have hillside vantages, fencelines, and along levees and unpaved roads.

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The California Fish and Game Commission (Commission) approved western burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). CDFW recommends that Caltrans update the status of BUOW in the ND.

Recommended Mitigation Measure 7: BUOW Surveys. To evaluate potential Project impacts to BUOW, CDFW recommends that a qualified biologist conduct surveys for BUOW following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFG 2012) within at least 500 meters (1,640 feet) of the Project area, as part of the biological studies in support of the ND. CDFW also recommends that a qualified biologist conduct follow-up surveys prior to the start of Project construction activities.

Recommended Mitigation Measure 8: BUOW Avoidance Buffer. If a BUOW individual or known BUOW burrow (active or inactive, including overwintering) be detected, either during baseline surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report, be implemented prior to and during any ground-disturbing activities.

Recommended Mitigation Measure 9: BUOW Take Authorization. If a BUOW individual or known BUOW burrow is detected, and the no-disturbance buffers outlined in the 2012 Staff Report are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

Temblor Legless Lizard (TLL)

The Project area is within the known geographic range of TLL (CDFW 2026) and recent unpublished studies have documented TLL within three miles of the Project area. The NES in support of the ND characterized the habitat in the Project area as unsuitable based on the density of grassland habitat in the Project area and proximity of agricultural habitat. Although TLL are known to occupy sparsely vegetated areas of desert scrub, sandy washes, stream terraces with scattered woody vegetation, they also occur in very ephemeral washes, dry stream terraces, and areas with historically present scrub. TLL can also be found under surface objects such as rocks, boards, driftwood, and logs. Potentially significant impacts associated with the Project's activities include inadvertent entrapment, reduced reproductive success and health and vigor of individuals, and direct mortality of individuals.

Recommended Mitigation Measure 10: TLL Surveys. CDFW recommends that a qualified biologist conduct focused surveys for TLL and their requisite habitat

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features, as part of the biological studies in support of the ND. CDFW also recommends that a qualified biologist conduct follow-up surveys prior to the start of Project construction activities.

Recommended Mitigation Measure 11: TLL Avoidance Buffer. If a TLL is found prior to or during construction, CDFW recommends implementation of a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.

Recommended Mitigation Measure 12: TLL Take Authorization. In the event that a TLL is detected, 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 ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA

Editorial Comments and/or Suggestions

CNDDB: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there are suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project area.

Federally Listed Species: CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed or proposed species. The Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any Project activities.

Nesting birds: CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), 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 Codes as referenced in this letter.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife 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

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surveys cover a sufficient area around the Project area to identify nests and determine their status. A sufficient area means any area potentially affected by the 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 construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, 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 wildlife 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 that 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 compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist counsel and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Lake and Streambed Alteration Agreement: Project activities that will substantially change the bed, bank, and channel of streams and associated wetlands 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; (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. It is important to note that if Project activities require notification, CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration (LSA) Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. For additional information on notification requirements, please contact our staff in the Caltrans Liaison Unit at RRR.R4@wildlife.ca.gov and the CDFW website: https://wildlife.ca.gov/Conservation/LSA.

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

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

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the 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 Initial Study to assist Caltrans in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table (Attachment 2) which corresponds with the recommended mitigation measures in this comment letter. If you have any questions, please contact Mindy Trask, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (559) 939-0282, or by electronic mail at Mary.Trask@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Krista Tomlinson
12950B95267A4F5...

For Julie A. Vance
Regional Manager

ATTACHMENT 1: Special-Status Species Table
ATTACHMENT 2: Mitigation Monitoring and Reporting Program

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

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REFERENCES

California Department of Fish and Game (CDFG). 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo swainsoni*) in the Central Valley of California. Sacramento, California, USA.

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California Department of Fish and Wildlife. 2019. Approved Survey Methodology for the Blunt-nosed Leopard Lizard. California Department of Fish and Game, October 2019 (Revised). https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174900&inline (accessed 6 July 2026).

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CSU Stanislaus. 2025. Endangered Species Recovery Program, Species Profile for blunt-nosed leopard lizard. http://esrp.csustan.edu/speciesprofiles/profile.php?sp=gasi (accessed 6 July 2026).

Swainson's Hawk Technical Advisory Committee. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

Tennant, E., D. Germano, J. Stewart, H. Butterfield, and M. Westphal. 2018. Investigating blunt-nosed leopard lizard population size, demographics, space use, and future population trends on Department Ecological Reserves. Sacramento, California, USA.

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SPECIAL-STATUS SPECIES TABLE

PROJECT: El Dorado 2R Rehabilitation Project ID 0619000044
Initial Study with Proposed Negative Declaration

SCH No.: 2026060458

Common Name	Genus & Species	Listing*		
		Federal	State	CDFW/ CRPR
Animals:				
blunt-nosed leopard lizard	*Gambelia sila*	E	E	FP
giant kangaroo rat	*Dipodomys ingens*	E	E	-
San Joaquin kit fox	*Vulpes macrotis mutica*	E	T	-
Swainson's hawk	*Buteo swainsoni*	-	T	-
San Joaquin antelope squirrel	*Ammospermophilis nelsoni*	-	T	-
tricolored blackbird	*Agelaius tricolor*	-	T	-
western burrowing owl	*Athene cunicularia hypugaea*	-	C	SSC
Temblor legless lizard	*Anniella alexanderae*	-	C	SSC
Crotch's bumble bee	*Bombus crotchii*	-	C	-
Buena Vista Lake shrew	*Sorex ornatus relictus*	E	-	-
western spadefoot	*Spea hammondii*	-	P	SSC
coast horned lizard	*Phrynosoma blainvillii*	-	-	SSC
short-nosed kangaroo rat	*Dipodomys nitratoides brevinasus*	-	-	SSC
American badger	*Taxidea taxus*	-	-	SSC
pallid bat	*Antrozous pallidus*	-	-	SSC
Townsend's big-eared bat	*Corynorhinus townsendii*	-	-	SSC
western red bat	*Lasiurus frantzii*	-	-	SSC
western mastiff bat	*Eumops perotis californicus*	-	-	SSC
Plants:				
alkali-sink goldfields	*Lasthenia chrysantha*	-	-	1B.1
San Joaquin woollythreads	*Monolopia congdonii*	E	-	1B.2
California jewelflower	*Caulanthus californicus*	E	E	1B.1

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Common Name	Genus & Species	Listing*		
		Federal	State	CDFW/ CRPR
Lemmon's jewelflower	*Lemmon's jewelflower*	-	-	1B.2
chaparral ragwort	*Senecio aphanactis*	-	-	2B.2

** Status: E = Endangered, T = Threatened, P = Proposed, C = Candidate, FP = Fully Protected, SSC = Species of Special Concern, CRPR = California Rare Plant Rank*

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Attachment 2

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

PROJECT: El Dorado 2R Rehabilitation Project ID 0619000044
Initial Study with Proposed Negative Declaration

SCH No.: 2026060458

RECOMMENDED MITIGATION MEASURE	Implementation Schedule	STATUS/DATE/INITIALS
1. BNLL surveys	Before Disturbing Soil or Vegetation	
2. BNLL avoidance buffer	During Construction	
3. BNLL take authorization	Before Disturbing Soil or Vegetation	
4. SWHA surveys	Before Disturbing Soil or Vegetation	
5. SWHA avoidance buffer	During Construction	
6. SWHA take authorization	Before Disturbing Soil or Vegetation	
7. BUOW surveys	Before Disturbing Soil or Vegetation	
8. BUOW avoidance buffer	During Construction	
9. BUOW take authorization	Before Disturbing Soil or Vegetation	
10. TLL surveys	Before Disturbing Soil or Vegetation	
11. TLL avoidance buffer	During Construction	
12. TLL take authorization	Before Disturbing Soil or Vegetation	