



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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July 14, 2026

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**Subject: Electric Vehicle Transit Yard Project (Project)
Draft Initial Study (IS) and Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2026060844**

Dear Matiel Holloway:

The California Department of Fish and Wildlife (CDFW) received an IS / MND from Mariposa County (County) 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: Mariposa County

Objective: The Project proposes to construct a transit yard featuring a solar canopy and electric vehicle (EV) charging stations on a 1.54-acre project site to support fleet electrification and the expansion of the local Dial-a-Ride service. Proposed improvements would include construction of a parking lot with 27 standard vehicle stalls, two motorcycle stalls, street lighting, perimeter fencing, vehicle and pedestrian access gates, drainage improvements, and installation of curb, gutter, and sidewalk improvements.

Location: The Project site is located in the unincorporated Town of Mariposa, a census-designated place located in south-central Mariposa County, generally located east of State Route (SR) 49 and the intersection of Frank Wilson Road and Lemee Lane. The Project site is located within Assessor's Parcel Numbers (APN) 013-011-003.

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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, 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 consists of fragmented interior live oak (*Quercus wislizeni*) and blue oak (*Quercus douglasii*) woodland, interior live oak and gray pine (*Pinus sabiniana*) woodland, and wild oat (*Avena* spp.) and brome (*Bromus* spp.) annual grassland. The Project site also contains fencing, utility poles, and a series of drainage ditches and culverts. The Project is bound by the Department of Forestry and Fire Protection (CAL FIRE) Mariposa Headquarters and woodlands and hillsides to the north; SR-49 and a residential building to the west; undeveloped land to the south, beyond which is a parking lot and the Mariposa County Health & Human Services Agency building; and undeveloped woodland, commercial buildings, and parking lots to the east. The MND also states that there are two ephemeral drainages on the Project site that connect to Mariposa Creek which traverses in a north-south direction and is located approximately 300 feet west 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 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 candidate Crotch's bumble bee (*Bombus crotchii*); and the State species of special concern pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis californicus*), and western red bat (*Lasiurus frantzii*). CDFW also has concerns about the ability of certain mitigation measures to reduce impacts to less than significant and avoid unauthorized take for special-status plants.

Crotch's Bumble Bee

The MND notes that Crotch's bumble bee (CBB) has the potential to be present within the Project site and Mitigation Measure (MM) BIO-1b is provided to mitigate for potential significant impacts to these species. MM BIO-1b requires a qualified biologist to conduct surveys following the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) guidelines. If CBB are detected during surveys, MM BIO-1b requires that the Project applicant obtain CESA take authorization prior to conducting any ground-disturbing activities. CDFW concurs with these measures and recommends the Project proponent consult with CDFW if CBB is detected during surveys to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take

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Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Special-Status Bats

The MND notes that special-status bat species, including the spotted bat (SPB), western mastiff bat (WMB) and the western red bat (WRB), have the potential to be present within the Project site and MM BIO-1e is provided to mitigate for potential significant impacts to these species. MM BIO-1e requires vegetation and/or tree removal to be scheduled to avoid the bat maternity season of (April 15- September 1) to the extent practicable. MM BIO-1e also requires a qualified biologist to conduct a survey for roosting bats within 14 days of tree removal activities. MM BIO-1e also states, "Trees containing suitable roosting habitat would be removed in two steps occurring over two consecutive days.", and bat presence is detected, the qualified biologist shall work with CDFW to implement measures to avoid or minimize disturbance to the roost. CDFW concurs with implementing preconstruction surveys, avoiding vegetation removal during bat maternity season, and consulting with CDFW, but recommends MM BIO-1e be modified to include the following measures:

Recommended Mitigation Measure 1: Special-Status Bat Focused Surveys

CDFW recommends that focused surveys include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano), and use of ultrasonic detectors (Anabat, Sonobat, etc.) during all dusk emergence and pre-dawn re-entry. To maximize detectability, each survey needs to be conducted within one 24-hour period.

Recommended Mitigation Measure 2: Bat Roost Disturbance Avoidance and Minimization

If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and installing new roost sites to be in place prior to the initiation of Project related activities to allow enough time for bats to relocate. If a bat roost is identified and work is planned to occur during the breeding season, CDFW recommends that no disturbance to maternity roosts occur and that CDFW be consulted to determine measures to prevent breeding disruption or failure.

Special-Status Plants

The MND notes that several special-status plant species, including the State threatened and California Rare Plant Rank (CRPR) 1B.2 Mariposa lupine (*Lupinus citrinus* var. *deflexus*), have the potential to be present within the Project site and MM BIO-1a is provided to mitigate for potential significant impacts to these species. MM BIO-1a requires a qualified biologist to conduct special-status plant surveys following the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018) protocol. In the event special-status plants are documented during surveys, MM BIO-1a also requires that a

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Rare Plant Survey Report detail appropriate avoidance or mitigation measures. CDFW concurs with MM BIO-1a but recommends the measure be modified to include the following:

Recommended Mitigation Measure 3: Special-Status Plant Avoidance Buffer and Take Authorization

CDFW recommends 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). If buffers cannot be maintained, consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plants and/or how to implement the Project to avoid take. 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.

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 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 Code sections as referenced above.

MM BIO-1d is provided to mitigate for potential Project-related impacts to nesting birds and states, "If the proposed project initiates construction/maintenance activities during the avian nesting season (February 1–August 31), the project applicant shall retain a qualified Biologist to perform pre-construction surveys for nesting birds" CDFW recommends modifying MM BIO-1d to note that the breeding season occurs from (February 1 through September 15).

If the nesting season cannot be avoided, CDFW 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

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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 biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

CDFW recommends the MND include 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.

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

Please note that the California Natural Diversity Database (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 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.

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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 County in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the County 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 john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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For Julie A. Vance
Regional Manager

ATTACHMENT 1- MMRP Table

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

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References

- California Department of Fish and Wildlife. 2018. Protocols for surveying and evaluating impacts to special-status native plant populations and sensitive natural communities. California Department of Fish and Wildlife. Sacramento, California, USA.
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- Miller, M. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor*, 108:130–139.
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- Perry, G., B. Buchanan, R. Fisher, M. Salmon, and S. Wise. 2008. Effects of night lighting on urban reptiles and amphibians. Chapter 16 in: *Urban Herpetology: Ecology, Conservation and Management of Amphibians and Reptiles in Urban and Suburban Environments*. J. C. Mitchell, R. E. Jung Brown and B. Bartholomew (ed.). *Herpetological Conservation*, 3:211-228.
- Stone, E., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology*, 19:1123–1127.

Attachment 1

Attachment 1

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

PROJECT: Electric Vehicle Transit Yard Project

SCH No.: 2026060844

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Special-Status Bats (SSB)	
Recommended Mitigation Measure 1: SSB focused surveys	
Special-Status Plants (SSP)	
Recommended Mitigation Measure 3: SSP take authorization	
<i>During Construction</i>	
Special-Status Bats (SSB)	
Recommended Mitigation Measure 2: SSB roost disturbance avoidance and minimization	
Special-Status Plants (SSP)	
Recommended Mitigation Measure 3: SSP avoidance buffer	