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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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July 10, 2026

Mark Hamilton, Planner IIII
County of Merced
Department of Community and Economic Development
2222 M Street
Merced, California 95340
(209) 385-7654 ext. 4419
mark.hamilton@countyofmerced.com

Subject: Double Diamond Dairy Expansion Project (Project)
Notice of Preparation (NOP)
SCH No.: 2026060896

Dear Mark Hamilton:

The California Department of Fish and Wildlife (CDFW) received an NOP of a Draft Environmental Impact Report (DEIR) from the County of Merced (County) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

The NOP Initial Study (IS) notes that the Project would mitigate for potential significant impacts to biological resources by implementing mitigation measures outlined in the Final Program Environmental Impact Report (FPEIR) for the Merced County Animal Confinement Ordinance Revision (County of Merced 2002). The County of Merced 2002 FPEIR biological resource mitigation measures includes: Impact BIO-1: loss and/or degradation of riparian habitat; Impact BIO-2: loss of special-status species; Impact BIO-3: loss of wildlife habitat; Impact BIO-4: loss and/or modification to wetlands; Impact BIO-5: interference with the activities of night active wildlife; and Impact BIO-6: potential interference with animal movement/migration patterns. The NOP also states the DEIR will tier from the 2030 Merced County General Plan Update FPEIR.

[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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CDFW concurs with the biological resources related analyses and measures referenced in the County of Merced 2002 FPEIR and recommends that all such measures be carried forward and implemented as part of the Project. CDFW also offers the following editorial comments and suggestions to be incorporated as appropriate within the DEIR:

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

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into “Waters of the State” any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of a “Waters of the State” from increased sediment, salts, nitrates, and pathogens in storm water runoff; discharge of other constituents of concern such as endocrine disruptors; or construction related erosion. This could impact the fish and wildlife resources by causing increased sediment input and other Project-related activities. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also has jurisdiction regarding discharge and pollution to “Waters of the State”.

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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 the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. 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

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be 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 County in identifying and mitigating Project 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). 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:
Krista Tomlinson
12950B95267A4F5...

For Julie A. Vance
Regional Manager

ec: State Clearinghouse
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