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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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October 8, 2026

Sam Rashe, Planner Manager
City of Merced Planning Division
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Subject: Yosemite Lakes Estates (Project)
Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2026090032

Dear Sam Rashe:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Merced (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. While the comment period may have ended, CDFW respectfully requests that the City of Merced Planning Division still consider our comments.

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,

[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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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.

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.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management are provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

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.

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Water Rights: The capture of stream flows to is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1200 et seq. CDFW, as Trustee Agency, is consulted by SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. CDFW, therefore, has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from Project activities.

PROJECT DESCRIPTION SUMMARY

Proponent: MCYL 1, LLC

Objective: The Project proposes to construct a residential and commercial development within an approximately 1,173.73-acre Project site. The development would include the construction of approximately 3,351 to 7,185 residential housing units at variable densities, a 9.5-acre commercial site, and 555.3 acres of open space/park. Following approval of the Project, the City would apply to the Merced County Local Area Formation Commission (LAFCo) to annex the Project site from Merced County to the City.

Location: The Project site is located within unincorporated Merced County, to the northeast of the City of Merced's city limits, largely at the northeastern corner of the intersection of G Street and Old Lake Road. The Project site is located within Assessor's Parcel Numbers (APNs) listed in Attachment 1.

COMMENTS AND RECOMMENDATIONS

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

The NOP notes the Project site is surrounded by rural residential and agricultural uses to the north, east, and west. Within the Project site, the Yosemite Lake Conservation Area (i.e., Mike Gallo Conservation Area) is located directly east of the Crocker-Huffman Irrigation Canal. The University of California, Merced (UC Merced) campus is located south of the Project site, with additional agricultural lands farther to the southeast. Yosemite Lake is located directly east of the Project site. The Project is also surrounded by conserved lands to the north and east including the Merced Vernal Pools and

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Grassland Reserve and Merced Grasslands (Conserved Lands), which were set aside to permanently conserve the habitats for the species detailed below. Agricultural lands are located west of the Project site. Fahrens Creek and the Crocker Huffman Irrigation Canal traverse north to south through the center of the Project site. Rotterdam Lateral Canal also traverses the northern section of the Project site, situated adjacent to a parcel of annual grasslands with a single building structure. The central and western sections of the Project site consist of the Merced Golf and County Club and agricultural lands that are actively cultivated or recently tilled. Annual grassland and vernal pool habitats are present surrounding and east of the Crocker Huffman Irrigation Canal.

Yosemite Lake Conservation Area

As noted in the NOP, the Yosemite Lake Conservation Area (YLCA) was established as conservation lands to fully mitigate for project-related take of the State and federally threatened California tiger salamander- central California Distinct Population Segment (DPS) (*Ambystoma californiense* pop.1). CDFW issued a CESA Incidental Take Permit (ITP; No. 2081-2016-025-04) for restoration activities on the YLCA and for a portion of the Project site in November 2019. This ITP authorized take of California tiger salamander (CTS) from covered activities associated with the original Yosemite Lake Estates Development Project (YLEDP) and associated wetland restoration for the YLEDP and University of California Merced. The YLEDP was originally approved by the County of Merced in the Yosemite Lake Estates General Plan Amendment Final EIR (SCH No. 1999011011) on April 27, 2004.

ITP No. 2081-2016-025-04 (Original ITP) provides CTS take authorization for an approximately 350-acre portion of this Project (i.e., the YLEDP) and expires on December 31, 2030. Based on information provided in the NOP, it appears that the YLED site boundary has been expanded to incorporate planning areas C, E, and F. As such, if the Project proponent anticipates utilizing the Original ITP to authorize the take of the CTS within the entirety of the Project, an ITP amendment would be necessary and additional compensatory mitigation may be required to fully mitigate Project related impacts under CESA. Additionally, if the covered activities identified in the Original ITP are not anticipated to be completed prior to December 31, 2030, an amendment of the Original ITP would be required for continued CESA compliance.

CESA-Listed Species Consultation

Portions of the Project site contain highly sensitive annual grassland, wetland, vernal pool, and stream habitats, which provide high-quality habitat for a number of species. Based on CDFW's knowledge of the Project site and surrounding area, there are several CESA-listed species that are likely to occur within the Project site and vicinity, including CTS; the State candidate and federally proposed threatened western spadefoot (*Spea hammondii*); the State candidate western burrowing owl (*Athene*

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cunicularia hypugaea) and Crotch's bumble bee (*Bombus crotchii*); and the State endangered and federally threatened and California Rare Plant Rank (CRPR) 1B.2 succulent owl's clover (*Castilleja campestris var. succulenta*).
As noted above, the Original ITP provides take authorization for CTS for a portion of the Project site. For CTS, CDFW recommends the Original ITP either be amended to incorporate the entirety of the Project footprint or that the Project proponent consult with CDFW regarding new take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b). Additionally, as western spadefoot (WESP), western burrowing owl (BUOW), Crotch's bumble bee (CBB), and succulent owl's clover are also likely to occur within the habitats present within the Project site and are likely to be impacted by Project activities, CDFW strongly recommends the Project proponent consult with CDFW early in the Project planning process to discuss how to implement the Project and avoid take of these species, or if take cannot be avoided, to acquire new take authorization or amend the Original ITP pursuant to Fish and Game Code section 2081 subdivision (b) to add these species as covered species. CDFW also recommends early discussion to assist within determining appropriate compensatory mitigation to ensure impacts are fully mitigated for these CESA-listed species.

Cumulative Impacts

As discussed above, the Project site contains high-quality habitat for a number of species, including CTS, WESP, BUOW, CBB, the State special animal and federally endangered vernal pool tadpole shrimp (*Lepidurus packardi*), the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*), and succulent owl's clover. The Project is one of several foreseeable projects planned in the Project area that are likely to have significant direct and cumulative impacts on these sensitive habitats and species. CDFW is aware of several developments in the immediate vicinity of the Project including the University Vista Project, Old Dominion Project, the Virginia Smith Trust property development, and UC Villages Project, all of which would also have impacts to vernal pool and annual grassland habitat. These projects (including this Project) are also within close proximity to the Conserved Lands identified above, which were set aside to permanently conserve the habitats for the species referenced above. Continued development within the proximity of the Conserved Lands has the potential to degrade the quality of habitat within these lands that these species utilize. For example, this Project is likely to increase the presence of humans, pets, and vehicles, and may have the potential to result in increased surface runoff and impact water quality within the aquatic habitats located in the Project vicinity. Direct and indirect impacts have the potential to occur, both within the Project site, and within the surrounding Conserved Lands. These types of cumulative impacts should be considered and addressed within the DEIR.

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As the Project site is located within high-quality habitat for a number of special-status species, and is within close proximity to nearby Conserved Lands, which were set aside to permanently conserve the habitats for the species referenced above, CDFW recommends the DEIR contain a robust analysis of the potentially significant impacts that would result to biological resources from Project activities. This analysis should also consider and evaluate the Project's indirect and cumulative impacts to the nearby Conserved Lands.

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

Special-Status Species and Biological Resources

Based on a review of the NOP, aerial imagery of the Project site and surrounding habitat, species occurrence records from the California Natural Diversity Database (CNDDB) (CDFW 2026), and CDFW's familiarity of biological resources within the Project vicinity, the Project has the potential to impact several special-status animal species, including, but not limited to: the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*); the State and federally endangered least Bell's vireo (*Vireo bellii pusillus*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); CTS; the State fully protected golden eagle (*Aquila chrysaetos*); WESP; BUOW and CBB; the State species of special concern American badger (*Taxidea taxus*); the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*); the State special animal and federally endangered Conservancy fairy shrimp (*Branchinecta conservation*) and vernal pool tadpole shrimp (VPTS); the State special animal and federally threatened vernal pool fairy shrimp (VPFS); and the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*).

The Project is also within the geographic range of several special-status plant species, including, but not limited to: the State endangered and federally threatened and California Rare Plant Rank (CRPR) 1B.1 Colusa grass (*Neostapfia colusana*) and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*); the State and federally endangered

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and CRPR 1B.1 hairy Orcutt grass (*Orcuttia pilosa*) and Hartweg's golden sunburst (*Pseudobahia bahiifolia*); the federally endangered and CRPR 1B.1 Keck's checkerbloom (*Sidalcea keckii*); and the State endangered and federally threatened and CRPR 1B.2 succulent owl's-clover (*Castilleja campestris var. succulenta*).

In order to adequately assess potential impacts to biological resources, a qualified biologist should perform database and other research of the Project site, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site. CDFW recommends this initial work be documented and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys, and the development of avoidance, minimization, and mitigation measures. This information and analysis should also be used to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

Fully Protected Raptors

The Project site is within the known geographic range of bald eagle (BAEA) and golden eagle (GOEA), and a BAEA historical occurrence was documented at Lake Yosemite, directly adjacent to the Project site (CDFW 2026). BAEA require large bodies of water with hunting perches of large limbed trees to pounce on fish or small mammals and GOEA are known to inhabit open areas with large trees and cliffs for nesting.

As these habitat features occur within the Project site and vicinity, CDFW recommends that a qualified biologist conduct focused BAEA and GOEA surveys as part of the biological studies conducted in support of the DEIR. To avoid Project related impacts to these species, CDFW recommends incorporating survey methods outlined in the Protocol for Evaluating Bald Eagle Habitat and Populations in California (Jackman and Jenkins 2004) and the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines (Pagel 2010). If surveys indicate the presence or potential presence of BAEA or GOEA, consultation with the CDFW is recommended for guidance on the development of take avoidance measures.

Least Bell's Vireo

The Project site is within the known geographic range of least Bell's vireo (LBV) and there is a historical occurrence documented within approximately 8 miles from the Project site (CDFW 2026). LBV prefers dense riparian woodlands along streams or rivers. LBV were abundant and widespread in the United States until the 1950s (Grinnell

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and Miller 1944). The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006). These habitat features may occur within Fahrens Creek on the Project site. As such, CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR. If potentially suitable habitat is identified, CDFW recommends assessing presence or absence of LBV by having a qualified biologist conduct surveys following the U.S. Fish and Wildlife Service (USFWS) Least Bell's Vireo Survey Guidelines (USFWS 2001) as part of the biological technical studies conducted in support of the DEIR. If it is determined that LBVI are present or have the potential to be present within the Project site, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, take authorization, and mitigation. 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

The Project site is within the known geographic range of Swainson's hawk (SWHA) and there are historical occurrences documented within approximately 1 ½ miles from the Project site (CDFW 2026). SWHA are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, most of the Project site contains suitable habitat for SWHA foraging. In addition, there are suitable nesting trees located within the Project site and vicinity, specifically at the Merced Golf Club. Therefore, 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 technical studies conducted in support of the DEIR.

In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 1: SWHA Pre-Construction Surveys
Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee, be repeated the survey season immediately prior to construction.

Recommended Mitigation Measure 2: 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

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around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would 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, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 3: 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, 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.

Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation
Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.

- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.

- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

Tricolored Blackbird

The Project site is within the known geographic range of tricolored blackbird (TRBL) and there are historical occurrences documented within and the immediate vicinity of the Project site (CDFW 2026). TRBL historically bred within the vicinity of fresh water, primarily in marshy areas and important sites for nesting colonies included heavy growths of cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar, Foraging typically occurred within flooded lands, grassy fields, and margins of ponds (Grinnell and Miller 1994). Based on aerial imagery, it appears the Project site and vicinity may contain suitable habitat for TRBL foraging and nesting. In 2017, approximately 30,000 TRBL were distributed among 16 colonies in Merced County (Meese 2017). Nesting can occur synchronously, with all eggs laid within one week

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(Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting TRBL populations (Beedy et al. 2020). As the Project site is within the known geographic range of TRBL and suitable foraging and nesting habitat may be present, CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR. If potentially suitable habitat is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such as avoidance, take authorization, and mitigation. 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.

California Tiger Salamander

The Project site is within the known geographic range of CTS, there are several historical occurrences documented within 1 mile from the Project site (CDFW 2026). As discussed above, CTS is a covered species within the Original ITP, and the species has been documented within the nearby University Vista Project. CTS breed and develop in vernal and seasonal pools and stock ponds in grassland, woodland, and scrub habitat types and have been determined to be physiologically capable of dispersing up to approximately 1 ½-miles from seasonally flooded wetlands (Searcy and Shaffer 2011). These habitat features are present within the Project site, particularly within the vicinity of the Crocker Huffman Irrigation Canal, the Rotterdam Lateral Canal, and Fahrens Creek that traverse through the Project site. There are also wetlands along the northern border of the Project site, and based on CDFW's familiarity with the area, it is likely that CTS occur within the surrounding areas of the Project site.

As CTS are likely to occur within the Project site and the Original ITP only covers a portion of the Project site, CDFW recommends the Project proponent consult with CDFW to either amend the Original ITP to incorporate the expanded Project footprint, or pursue a new ITP for the expanded footprint. As take of CTS in the Project footprint likely 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.

Additionally, as CTS are likely to be present within the Project site, CDFW recommends the DEIR and include the following measures:

Recommended Mitigation Measure 5: CTS Protocol-Level Surveys
CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS CTS Protocol (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW

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is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project site in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Recommended Mitigation Measure 6: CTS Avoidance Buffer
If CTS protocol-level surveys as described in Recommended Mitigation Measure 1 are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within Project areas that have not previously obtained appropriate CESA take authorization. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to Project areas that have not previously obtained appropriate CESA take authorization be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals.

Recommended Mitigation Measure 7: CTS Take Authorization
If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, 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

The California Fish and Game Commission (FGC) approved 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 (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).

The Project site is within the known geographic range of BUOW and there is a documented historical occurrence within approximately ½ mile from the Project site (CDFW 2026), and the species is known to be present within the nearby University Vista Project. BUOW inhabit open grasslands containing small mammal burrows, a requisite habitat feature used for nesting and cover and are known to utilize agricultural areas and have been documented breeding and foraging along canal banks and roadways within agricultural settings.

As BUOW are likely to occur within the Project site, CDFW recommends the Project proponent consult with CDFW to determine if the Project can avoid take of BUOW. If

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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. Additionally, as BUOW are likely to be present within the Project site, CDFW recommends a qualified biologist conduct focused surveys following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012) as part of the biological technical studies to inform the DEIR.

Finally, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 8: BUOW Pre-construction Surveys
Depending on the time between surveys to inform the DEIR and the initial Project activities, CDFW recommends that focused surveys, following the 2012 Staff Report (CDFG 2012), be conducted the survey season immediately prior to construction. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 9: BUOW Avoidance Buffer
Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 10: BUOW Take Authorization
If a BUOW or known BUOW den (active or inactive) is detected, and the no disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation 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.

Western Spadefoot

The California Fish and Game Commission (FGC) approved WESP as a candidate for potential listing as a protected species under CESA on August 13, 2026, and published these findings in the California Regulatory Notice Register (Notice Register) on September 25, 2026. As such, WESP 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).

The Project site is within the known geographic range of WESP and there is a documented historical occurrence within approximately 4 ¼ miles from the Project site

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(CDFW 2026), and the species is known to be present within the nearby University Vista Project. WESP occurs primarily in grasslands and seasonal wetlands with appropriate upland habitat. These habitat features are present within the vicinity of the Crocker Huffman Irrigation Canal, the Rotterdam Lateral Canal, and Fahrens Creek that traverse through the Project site. There are also wetlands along the northern border of the Project site and based on CDFW's familiarity with the area, it is likely that WESP are present within the Project vicinity.

As WESP likely occur within the Project site, CDFW recommends the Project proponent consult with CDFW to determine if the Project can avoid take of WESP. 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. Additionally, as WESP are likely to be present within the Project site, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies to inform the DEIR. If it is determined that suitable habitat is present within the Project site, CDFW recommends conducting focused daytime and nighttime surveys for WESP during and following rainfall events and pre-activity clearance surveys within proposed work areas. Two years of surveys demonstrating absence of breeding activity are recommended before work occurs in or adjacent to potential breeding features.

Finally, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 11: WESP Pre-Activity Surveys
CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support WESP. If suitable habitat is identified through the habitat assessment, CDFW recommends conducting focused daytime and nighttime surveys for WESP during and following rainfall events and pre-activity clearance surveys within proposed work areas. Two years of surveys demonstrating absence of breeding activity are recommended before work occurs in or adjacent to potential breeding features.

Recommended Mitigation Measure 12: WESP Avoidance Buffer
If burrows, cracks, loose soil, soft soil areas immediately adjacent to water features, or other refugia are found to be used by WESP during focused surveys, CDFW recommends implementation of a 1,000-foot no-disturbance buffer around the outermost edge of these habitats. If any life stage of WESP is observed on the Project site, Project activities within 1,000 feet should cease and a no-disturbance buffer should be delineated in compliance with this measure.

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Recommended Mitigation Measure 13: WESP Take Authorization
If any life stage of WESP is observed on or in the vicinity of the Project site and take cannot be avoided, CDFW should be contacted immediately to initiate acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) or section 2084, if applicable, to comply with CESA. The Project would not be permitted to continue within the no-disturbance buffer until after the ITP is issued and all pre-Project ITP requirements have been met.

Crotch's Bumble Bee

The Project site is within the known geographic range of CBB and there are several historical occurrences documented within 3 miles of the Project site (CDFW 2026), and the species is known to be present within the nearby University Vista Project. CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements may be present within the Project site. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2015). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

As CBB are likely to occur within the Project site, CDFW recommends the Project proponent consult with CDFW to determine if the Project can avoid take of CBB. 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. Additionally, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies to inform the DEIR. If it is determined that suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for CBB following the Survey Considerations for California Endangered Species Act Bumble Bee Species (CBB Protocol; CDFW 2023) as part of the biological technical studies to inform the DEIR.

Finally, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 14: CBB Focused Surveys
If potentially suitable habitat is identified as part of the biological technical studies conducted in support of the DEIR, CDFW recommends that a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) the blooming period immediately prior to construction.

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Recommended Mitigation Measure 15: CBB Avoidance and Take Authorization
If CBB is detected, CDFW recommends that all small mammal burrows, thatched/bunch grasses, and any other potential nesting sites be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), 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, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Species of Special Concern

The Project area is within the known geographic range of American badger (AMBA) and northwestern pond turtle (NWPT), and there is a historical occurrence of NWPT documented within 4 ½ miles of the Project site (CDFW 2026). AMBA are known to occupy grassland habitats with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations. NWPT are known to nest in riparian and upland habitats within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Based on aerial imagery, suitable habitat may be present within the Project site for these species. As such, CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project site and vicinity contain habitat suitable to support AMBA and NWPT as part of the biological technical studies conducted in support of the DEIR. CDFW also recommends this habitat assessment extend out to 500 meters to determine whether there is sufficient dispersal habitat for NWPT from surrounding aquatic habitats. If suitable habitat is identified, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 16: Special-status Species Pre-construction Surveys
If suitable habitat is identified, prior to the start of work, CDFW recommends that a qualified biologist conduct focused surveys for the special-status species referenced above, as well as their requisite habitat features, to evaluate potential impacts resulting from ground disturbance. For NWPT, CDFW recommends preconstruction surveys occur no more than 10 days prior to Project activity, and that focused surveys for nests occur during the egg-laying season of March through August.

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Recommended Mitigation Measure 17: Special-status Species Avoidance Buffer
Avoidance whenever possible is encouraged via delineation and a 50-foot no-disturbance buffer around these species and their associated burrows, nests, roost sites, and habitat areas. CDFW also recommends that if these species are found, Project activities in their immediate vicinity cease, allowing individuals to leave the Project site on their own accord.

Branchiopods

The Project site is within the geographic range of conservancy fairy shrimp (CFS), VPTS, and VPFS (branchiopods) and historical occurrences of VPTS and VPFS have been documented directly adjacent to the Project site (CDFW 2026), and both species are known to be present within the nearby YLCA and University Vista Project. Branchiopods are small, freshwater crustaceans that complete their entire life cycle within a variety of vernal pool habitats and temporary waters between winter and spring. These species will disappear before vernal pools dry in the summer months but resting eggs, known as cysts, will remain viable within the dried pools for years. Hatching subsequently begins in response to rains during the beginning of the rainy season. A large portion of the Project includes grassland, wetland, and vernal pool habitats that support branchiopods.

As branchiopods are likely to occur within the Project site, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies to inform the DEIR. CDFW also recommends that a qualified biologist conduct focused surveys for branchiopods following the Survey Guidelines for the Listed Large Branchiopods (USFWS Branchiopod Guidelines; USFWS 2017) as part of the biological technical studies to inform the DEIR. Finally, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 18: Branchiopod Surveys and CDFW Consultation
Depending on the amount of time between survey efforts to inform the DEIR and Project construction, CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS Branchiopod Guidelines (USFWS 2017) the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site, coordination with CDFW is recommended well in advance of any planned vegetation- or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers.

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Special-Status Plants

The Project site is within the known geographic range of several special status plant species and several species have been documented directly within the YLCA, such as Keck's checkerbloom and succulent owl's clover (SUC), and SUC is known to be present within the nearby University Vista Project. Special-status plant species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species (California Native Plant Society 2018), all of which may be unintended impacts of the Project. Therefore, CDFW recommends that the Project site(s) be surveyed for special status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities" (CDFW 2018) as part of the biological technical studies conducted in support of the DEIR. This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. If surveys indicate the presence or potential presence of special status plants, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation. Please note, if State-listed plant species are identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take of that species. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) and/or Fish and Game Code section 1900 and California Code of Regulations, title 14, section 786.9, subdivision (b), is necessary to comply with CESA.

Valley Elderberry Longhorn Beetle

The Project site is within the known geographical range of valley elderberry longhorn beetle (VELB). VELB inhabit elderberry (*Sambucus* spp.) thickets which are often located within riparian and remnant riparian habitat. Riparian habitat within the Central Valley has been highly fragmented due to land conversion. Suitable habitat may be present within the vicinity of the Project along Fahrens Creek. As such, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support VELB. If it is determined that suitable habitat is present, consultation with CDFW is recommended for guidance on surveys and mitigation measures such as avoidance, minimization, and mitigation.

Editorial Comments and/or Suggestions

Nesting Birds: The Project site is within the known geographic range of several species of migratory and non-migratory birds and may contain suitable habitat for an

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abundance of nesting bird species. To evaluate Project-related impacts on migratory and nonmigratory birds, CDFW recommends that a general habitat assessment for nesting and foraging birds be conducted as part of the biological technical studies conducted in support of the DEIR.

Furthermore, CDFW encourages that all ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15th 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 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 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 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.

Lake and Streambed Alteration: As noted above, several stream features are present within the Project site including Crocker Huffman Irrigation Canal, the Rotterdam Lateral Canal, and Fahrens Creek. 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)

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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 (LSAA); 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 LSAA 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.

Wetlands: Based on aerial imagery and CDFW’s familiarity with the Project area, the Project contains many wetland and vernal pool habitats, particularly within the eastern portion of the Project site, that likely support special-status species. Development within the Project has the potential to impact these features, and has the potential to result in the loss and degradation of riparian and wetland vegetation through grading, fill, runoff and related pollution, and related development.

Riparian and associated floodplain and wetland areas are valuable for their ecosystem processes such as protecting water quality by filtering pollutants and transforming nutrients; stabilizing stream banks to prevent erosion and sedimentation/siltation; and dissipating flow energy during flood conditions, thereby spreading the volume of surface water, reducing peak flows downstream, and increasing the duration of low flows by slowly releasing stored water into the channel through subsurface flow. The Fish and Game Commission policy regarding wetland resources discourages development or conversion of wetlands that results in any net loss of wetland acreage or habitat value. Construction activities within these features also have the potential to impact downstream waters, leading to erosion, scour, and changes in flow and stream morphology.

CDFW recommends that the DEIR include formal stream mapping, including the streams associated floodplain, and wetland delineation conducted by a qualified biologist or hydrologist (as warranted), to determine the baseline location, extent, and condition of streams (including any floodplain) and wetlands within and adjacent to the Project site. Please note that while there is overlap, State and federal definitions of wetlands differ, and complete stream mapping commonly differs from delineations used by the U.S. Army Corps of Engineers specifically to identify the extent of Waters of the U.S. Therefore, it is advised that the delineation identify both State and federal wetlands in the Project site as well as the extent of all streams including floodplains, if present,

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within the Project site. CDFW recommends that site map(s) depicting the extent of any activities that may affect wetlands, lakes, or streams be to clearly identify areas where stream/riparian and wetland habitats could be impacted from Project activities.

CDFW recommends that the potential direct and indirect impacts to stream/riparian and wetland habitat be analyzed within the Project. CDFW also recommends that the DEIR include measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to riparian habitat (i.e., biotic and abiotic/nonvegetative features) take into account the effects to stream function and hydrology from riparian habitat loss or damage, as well as potential effects from the loss of riparian habitat to special-status species already identified herein. CDFW recommends that losses to stream and wetland habitats be offset with corresponding riparian and wetland habitat restoration incorporating native vegetation to replace the value to fish and wildlife provided by the habitats lost from Project implementation. If on-site restoration to replace habitats is not feasible, CDFW recommends off-site mitigation by restoring or enhancing in-kind riparian or wetland habitat and providing for the long-term management and protection of the mitigation area, to ensure its persistence.

Water Rights: CDFW recommends that the DEIR provide a detailed description of all water rights and water entitlements that would pertain to the Project site, including any applications or change petitions that may be filed to transfer water. If a new water allocation were to occur, CDFW recommends that the DEIR also include an analysis of the impacts of diverting currently unallocated flows, including such details for the point(s) of diversion as a hydrologic study, water availability analysis, and other information that identifies and analyzes the impacts to aquatic ecosystems and fish and wildlife resources.

As Trustee Agency, CDFW is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Given the potential for impacts to special-status species and their habitats, it is advised that details be disclosed during the CEQA process and that required consultation with CDFW occur well in advance of any SWRCB water right application process.

Sustainable Groundwater Management Act (SGMA) and Groundwater Dependent Ecosystems: Potential Project-related activities such as surface water diversion to groundwater storage and extraction of groundwater, could result in groundwater water quality impacts, subsidence impacts, and result in changes to available surface and groundwater supply. Many sensitive ecosystems and public trust resources such as streams, springs, riparian areas, and wetlands are dependent on groundwater and interconnected surface waters.

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CDFW recommends that the DEIR detail how the Project would impact associated groundwater basin conditions within the Project site and vicinity and how this will affect environmental beneficial uses and users, including groundwater dependent ecosystems and interconnected surface waters, including those resources in proximity to Crocker Huffman Irrigation Canal, the Rotterdam Lateral Canal, and Fahrens Creek. CDFW also recommends that the DEIR include requirements to identify, evaluate, and monitor all groundwater dependent ecosystems that would be affected by Project activities and develop a plan to offset losses of groundwater dependent ecosystems caused by changes in hydrology associated with the Project.

Wildlife Corridors and Habitat Connectivity: The Project site and vicinity support significant biological resources and contain habitat connections that support movement across the broader landscape, sustaining both transitory and permanent wildlife populations. In particular, the Project site contains suitable vernal pool and wetland habitat for a number of special-status species, including CTS, WESP, and branchiopods as well as common wildlife species such as mountain lion (*Puma concolor*) and mule deer (*Odocoileus hemionus*). There is the potential that Project activities could impact the ability for these species to move through the broader landscape of the Project vicinity. Additionally, Project activities could impact the ability of species within the Project site to move between the Project and the nearby Conserved Lands. As such, CDFW recommends that on-site features that contribute to habitat connectivity be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should be identified, and addressed in the DEIR. CDFW also recommends that the City evaluate the impacts from the nearby University Vista Project, Old Dominion Project, the Virginia Smith Trust property development, and UC Villages Project on wildlife and habitat connectivity and specifically site development to facilitate wildlife movement through these projects and the Project Site to nearby Conserved Lands. CDFW staff are available for consultation in support of facilitating wildlife and habitat connectivity as a trustee and responsible agency under CEQA.

San Joaquin Valley Regional Conservation Investment Strategy: The San Joaquin Valley Regional Conservation Investment Strategy (SJV RCIS) is a conservation planning tool that was developed to assist with coordinated and voluntary conservation actions in the San Joaquin River Basin Area, including sections of Fahren Creek that connects to Bear Creek and eventually joins the San Joaquin River, to promote the conservation of species, habitats, and other biological resources (ESA 2025). The SJV RCIS includes conservation and management goals and objectives related to water management, landscape management, and habitat connectivity, in addition to incorporating species-specific objectives. The SJV RCIS also outlines the process for entities to develop Mitigation Credit Agreements (MCAs), which allow entities to develop credits that can be applied to project-related impacts or to fulfill compensatory mitigation requirements. The SJV RCIS could serve as advanced mitigation planning tool for the

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City to potentially fulfill compensatory mitigation requirements for the Project. Alternatively, project proponents may be able to use the SJV RCIS as a guide when developing appropriate conservation, mitigation, or development projects.

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 Project planners 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 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.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Project's DEIR be used to develop and modify the Project'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.

CNDDB Positive Submission of Data: 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. 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 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

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 NOP to assist the City 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). A Mitigation and Monitoring Program (MMRP) (Attachment 2) 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 john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT 1- Accessor Parcel Numbers Table
ATTACHMENT 2- MMRP Table

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ec: State Clearinghouse
Governor's Office of Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

U.S. Fish and Wildlife Service
Matt Nelson
matt_nelson@fws.gov

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Attachment 1

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
PROJECT ACCESSOR PARCEL NUMBERS

PROJECT: Yosemite Lakes Estates

SCH No.: 2026090032

APN	*ACREAGE*
170-100-018	15.77
170-100-015	7.17
170-100-014	40.22
170-100-016	9.89
170-100-011	16.97
170-100-013	19.11
170-100-012	18.24
170-100-009	18.95
170-100-010	18.79
170-100-021	48.02
170-100-022	64.88
170-100-023	58.49
170-100-024	8.55
170-230-001	18.33
170-100-020	98.62
170-230-003	14.69
170-230-002	39.14
170-180-003	123.71

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170-180-001	302.61
170-180-002	80.77
170-100-002	150.81
Total	**1,173.73**

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Attachment 2

Docusign Envelope ID: 480E7A03-488F-8A6E-83E3-08F9991BD86D

Attachment 2

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

PROJECT: Yosemite Lakes Estates

SCH No.: 2026090032

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA pre-construction surveys	
Recommended Mitigation Measure 3: SWHA take authorization	
Recommended Mitigation Measure 4: SWHA foraging habitat mitigation	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 5: CTS protocol-level surveys	
Recommended Mitigation Measure 7: CTS take authorization	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 8: BUOW pre-construction surveys	
Recommended Mitigation Measure 10: BUOW take authorization	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 11: WESP pre-activity surveys	
Recommended Mitigation Measure 13: WESP take authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 14: CBB focused surveys	
Recommended Mitigation Measure 15: CBB take authorization	
American Badger (AMBA)	

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Northwestern Pond Turtle (NWPT)	
Recommended Mitigation Measure 16: AMBA & NWPT pre-construction surveys	
Branchiopods (BHRA)	
Recommended Mitigation Measure 18: BRA surveys and CDFW consultation	
During Construction	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 2: SWHA avoidance buffer	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 6: CTS avoidance buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW avoidance buffer	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 12: WESP avoidance buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 15: CBB avoidance buffer	
American Badger (AMBA) Northwestern Pond Turtle (NWPT)	
Recommended Mitigation Measure 17: AMBA & NWPT avoidance buffer	