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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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October 26, 2026

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Planning and Natural Resources Department
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Subject: Las Colinas Specific and Community Plan by RICK Engineering (Plan)
Notice of Preparation (NOP)
State Clearinghouse No.: 2026091024

Dear Sara Eickenhorst:

The California Department of Fish and Wildlife (CDFW) received an NOP from Kern County (County), as Lead Agency, for the above-referenced Plan 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 Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically

[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.

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

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 projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of projects tiered from this Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

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 is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515)

As a responsible agency, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

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,

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Plan.

PROJECT DESCRIPTION SUMMARY

Proponent: Breckenridge Management Company LLC

Objective: The Plan would develop and operate a large-scale, mixed-use residential community consisting of approximately 4,236 residential units and 200,000 square feet of commercial space. The proposed Plan would establish a series of village-oriented residential neighborhoods supported by community services, public facilities, and essential infrastructure.

The proposed Plan would construct a village core featuring mixed-use and commercial areas designed to provide shopping, services, and community amenities within walking distance for future Las Colinas residents. The proposed Plan would also include the construction of utility and transportation infrastructure.

Location: The Plan area is located within the entirety of Section 27, Township 29 South, Range 29 East, M.D.B. & M. and consist of Assessor Parcel Number (APNs): 388-020-01 and 388-020-02. The Plan area is generally bounded by Barbera Avenue to the north and Pioneer Drive to the south. Both Breckenridge Road and Comanche Drive bisect the Plan area.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating the Plan'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 Draft Environmental Impact Report (DEIR) prepared for this Plan.

A review of the California Natural Diversity Database (CNDDB) (CDFW 2026) and aerial imagery shows the Plan area located within the geographic range of, and contains suitable habitat for, several special-status animal species, including; the State and federally endangered Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*); the State endangered and fully protected and federally endangered blunt-nosed leopard lizard (*Gambelia sila*); State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl *(Athene cunicularia hypugaea*), western spadefoot (*Spea hammondii*), and Crotch's bumble bee (*Bombus crotchii*); and the State species of special concern American badger (*Taxidea taxus*), coast horned lizard (*Phrynosma blainvillii*), San Joaquin coachwhip (*Masticophis piceus ruddocki*), and legless lizards

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

(Anniella spp.). The Plan area is also located within the geographic range of, and may contain suitable habitat for, several special-status plant species, including, but limited to, the State and federally endangered and California Rare Plant Rank (CRPR) 1B.1 Bakersfield cactus (*Opuntia basilaris* var. *treleasei*) and California Jewelflower (*Caulanthus californicus*); and the federally endangered and CRPR 1B.2 San Joaquin woollythreads (*Monolopia congdonii*).

Tipton Kangaroo Rat

The Plan is within the range of Tipton kangaroo rat (TKR), and historical occurrences have been documented in the surrounding vicinity (CDFW 2026). TKR are known to occur in grassland, upland scrub, and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows. Based on a review of aerial imagery, lands within and adjacent to the Plan area may contain suitable habitat for TKR. As such, to determine if TKR may be impacted by projects tiered from this Plan, CDFW recommends that a qualified biologist conduct a habitat assessment for TKR within the project site and vicinity as part of the biological studies conducted in support of the DEIR. If it is determined that suitable habitat is present, including any sign of kangaroo rats, CDFW recommends that focused protocol-level live trapping surveys be conducted in areas of suitable habitat as part of the biological technical studies conducted in support of the DEIR, and that a trapping plan for determining presence of TKR be submitted to, and approved by, CDFW prior to subsequent trapping efforts. The trapping plan should also follow the U.S Fish and Wildlife Service (USFWS) (2013) Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats survey protocol.

In addition to the habitat assessment and survey recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

> **Recommended Mitigation Measure 1: TKR Habitat Assessment**
> To determine whether TKR may be impacted by project activities tiered from the Plan, CDFW recommends that a qualified biologist conduct a habitat assessment for TKR prior to the initiation of ground-disturbing activities associated with a project or phase of a project.
>
> **Recommended Mitigation Measure 2: TKR Protocol Survey**
> If suitable habitat is identified during these assessments, CDFW recommends that focused protocol-level live trapping surveys be conducted in areas of suitable habitat and that a trapping plan for determining presence of TKR be submitted to and approved by CDFW prior to subsequent trapping efforts. The trapping plan should also follow the U.S Fish and Wildlife Service (USFWS)

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

(2013) “Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats” survey protocol.

Recommended Mitigation Measure 3: TKR Take Authorization
If surveys indicate the presence or potential presence of TKR, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation. 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.

Blunt-nosed Leopard Lizard

The Plan area is within the known geographic range of Blunt-nosed Leopard Lizard (BNLL) (CDFW 2026) and based on aerial imagery, suitable habitat is likely present within the Plan area. Suitable BNLL habitat includes areas of grassland and upland scrub that contain requisite habitat elements, such as small mammal burrows. Female BNLL have been documented dispersing over a kilometer before returning back to their home range (Tennant 2018). Although BNLL are known to occupy sparsely vegetated areas of desert scrub and grassland, they also use open space patches between suitable habitats, including disturbed sites and unpaved roads. As suitable habitat is present within the Plan area, CDFW recommends that a qualified biologist conduct protocol surveys in accordance with the Approved Survey Methodology for the Blunt-nosed Leopard Lizard (CDFW 2019) as part of the biological technical studies conducted in support of the DEIR. This survey protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species. If surveys indicate the presence or potential presence of BNLL, consultation with the CDFW is recommended to discuss how to implement ground-disturbing activities and avoid take.

In addition to the survey recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

Recommended Mitigation Measure 4: BNLL Surveys CDFW recommends that a qualified biologist conduct surveys for BNLL in accordance with the Approved Survey Methodology for the Blunt-nosed Leopard Lizard (CDFW 2019) prior to the initiation of ground-disturbance activities associated with projects or phases tiered from this Plan. This survey protocol is designed to optimize BNLL detectability. Please note that protocol level surveys must be conducted on multiple dates during late spring, summer, and fall of the same calendar year, and that within these time periods, there are specific date, temperature, and time parameters.

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

Recommended Mitigation Measure 5: BNLL Take Avoidance
CDFW also recommends that consultation with CDFW occur to discuss how to implement ground-disturbing activities and avoid take if any BNLL detection, known burrows, or egg clutch sites are detected during surveys or during construction of the projects tiered from the Plan. Because this species is fully protected, full avoidance is required and take authorization cannot be granted for proceeding under the plan.

San Joaquin Kit Fox

The Plan area is within the known geographic range of San Joaquin kit fox (SJKF) and the City of Bakersfield and surrounding area is known to be home to a significant urban population of this federally endangered and State threatened species. There are also numerous recent and historic occurrences of SJKF documented in the vicinity of the Plan area (CDFW 2026). The urban population of SJKF has been recorded to utilize both anthropogenically altered habitats (Cypher 2013) and agricultural lands (Warrick et al. 2007). Further, SJKF may be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created by intensive ground disturbance. SJKF will readily use shipping containers, portable buildings, and stacks of materials (e.g., I-beams, wooden boards) with spaces within or underneath them for denning, in addition to pipes and culverts (Cypher et al. 2023), and it is likely that these materials would be present within project sites tiered from the Plan before, during, and after construction. Therefore, CDFW recommends requiring inspection of all construction materials or structures with sufficient spaces for SJKF, in addition to pipes and culvert-like structures, before these materials are used or moved in any way during project implementation. To help deter SJKF from creating dens under construction materials, CDFW recommends elevating materials one foot or more off the ground using k-rails or similar structures. Additionally, CDFW recommends a qualified biologist conduct on-site worker awareness training and inspect all construction materials for SJKF before use. Any pits or trenches created should be sloped or covered to prevent inadvertent capture or entrapment (take).

As SJKF are known to utilize areas near the Plan area and numerous historical and recent occurrences have been documented nearby, it should be assumed that SJKF are denning and/or foraging within the Plan area. As such, CDFW strongly recommends that the Plan proponent consult with CDFW to discuss how to implement the projects or phases tiered from this Plan and minimize the potential for take. Additionally, CDFW recommends the project proponent(s) acquire take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA, as full avoidance could be infeasible.

In addition to these general recommendations, to further assess and minimize potential Plan related impacts to SJKF, CDFW recommends that a qualified biologist assess the

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

presence/absence of SJKF by conducting focused surveys to detect SJKF and their sign in the Plan area and a 500-foot buffer of Plan area as part of the biological studies conducted in support of the DEIR.

In addition to the survey recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

> **Recommended Mitigation Measure 6: SJKF Preconstruction Surveys**
> CDFW recommends assessing presence/absence of SJKF by conducting focused den surveys for the species prior to the initiation of any project or phase of ground disturbance activities. Specifically, CDFW recommends conducting these surveys over the entirety of the project site no less than 14-days and no more than 30-days prior to beginning of ground and/or vegetation disturbing activities.
>
> **Recommended Mitigation Measure 7: SJKF Avoidance Buffer**
> CDFW recommends implementing no-disturbance buffers, as described in the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011) (USFWS Protocol) around potentially suitable or known SJKF den sites.
>
> **Recommended Mitigation Measure 8: SJKF Take Authorization**
> CDFW recommends that consultation with CDFW occur. As take avoidance of SJKF may be infeasible, CDFW recommends acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

Swainson's Hawk

The Plan area is within the known geographic range of Swainson's hawk (SWHA) (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, the Plan area may contain suitable habitat for SWHA foraging and/or nesting. As such, CDFW recommends 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 the survey recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

Recommended Mitigation Measure 9: 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 (SWHA TAC 2000), be repeated by a qualified biologist the survey season immediately prior to each Plan phase.

Recommended Mitigation Measure 10: SWHA No-Disturbance Buffer
If any active SWHA nest is detected during pre-construction surveys or project activities, CDFW recommends delineating and maintaining a minimum ½-mile no-disturbance buffer around each nest prior to and during any development or ground-disturbing activities. To prevent nest abandonment and other take of SWHA as a result of project activities tiered from the Plan, CDFW advises that these no-disturbance buffers remain in place until the breeding season (March 1 through September 15) 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.

Recommended Mitigation Measure 11: SWHA Take Authorization
If any active SWHA nest is detected during pre-construction surveys or project activities, 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.

Western Burrowing Owl

The Plan area is within the known geographic range of western burrowing owl (BUOW). BUOW are known to utilize desert scrub, grassland, and agricultural areas and have been documented breeding and foraging along canal banks, retention basins, and roadways within agricultural settings. Aerial imagery shows potential habitat is present within the Plan area. As suitable habitat appears to be present within the Plan area, CDFW recommends that surveys following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted as part of the biological technical studies conducted in support of the DEIR.

In addition to the survey recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

Recommended Mitigation Measure 12: BUOW Pre-construction Surveys
Depending on the amount of time between survey efforts to inform the DEIR, CDFW recommends that focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted the survey season immediately prior to construction for each phase or project tiered from this Plan. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 13: 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 the 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 14: 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 western spadefoot (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 Plan area is within the known geographic range of WESP (CDFW 2026). WESP occurs primarily in grasslands and seasonal wetlands with appropriate upland habitat, but are also known to utilize agricultural ponds, ditches, canals, flooded areas of orchards, flooded areas on construction sites, inlet and outlet of culverts with standing water, and sumps for breeding. Based on aerial imagery, the Plan area may contain suitable habitat for WESP foraging and/or breeding. As such, CDFW recommends a qualified biologist conduct focused WESP surveys.

As WESP may occur within the Plan area, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies to inform the

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

DEIR to determine if the Plan area and the immediate surrounding vicinity contain habitat suitable to support WESP. If it is determined that suitable habitat is present within the Plan area, CDFW recommends conducting focused daytime and nighttime surveys for WESP during and following rainfall events to inform the DEIR.

In addition to the habitat assessment and survey recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

Recommended Mitigation Measure 15: WESP Pre-Activity Surveys
CDFW recommends that a qualified biologist conduct a habitat assessment to determine if projects or phases tiered from the Plan 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, unless take authorization pursuant to Fish and Game Code 2081(b) is acquired.

Recommended Mitigation Measure 16: 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 a project site, project activities within 1,000 feet should cease and a no-disturbance buffer should be delineated in compliance with this measure.

Recommended Mitigation Measure 17: 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, 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.

Crotch's Bumble Bee

The Plan area site is within the known geographic range of Crotch's bumble bee (CBB) (CDFW 2026). CBB inhabits a variety of habitats, including grasslands, scrublands, openings in woodlands, and ruderal areas with sufficient floral and nesting resources (Xerces Society et al. 2018). Based on aerial imagery, suitable ruderal habitat may be present within the Plan area. As suitable habitat may be present within the Plan area,

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR to determine if the entire Plan area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If suitable habitat is determined to be present, CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features within and adjacent to the project site following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) as part of the biological technical studies conducted in support of the DEIR.

In addition to the habitat assessment survey recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

Recommended Mitigation Measure 18: CBB Pre-construction Surveys
CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features within and adjacent to the project site following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023), during the blooming period immediately prior to initiation of each project or phase.

Recommended Mitigation Measure 19: CBB Avoidance Buffer
If CBB is detected, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If CBB are detected during surveys and ground-disturbing activities will occur during the overwintering to nesting period (year-round, except possibly September), 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.

Recommended Mitigation Measure 20: CBB Take Authorization
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.

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

American Badger

The Plan area is within the known geographic range of American badger (AMBA), and based on aerial imagery, suitable 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 to determine if projects tiered from the Plan site and the immediate surrounding vicinity contain habitat suitable to support AMBA.

In addition to the habitat assessment recommendations above, CDFW recommends the DEIR include the following mitigation measures and that these measures be implemented prior to the initiation of ground-disturbing activities associated with projects and/or phases tiered from this Plan:

> **Recommended Mitigation Measure 21: AMBA Surveys**
> CDFW recommends that a qualified biologist conduct focused surveys for AMBA, as well as their requisite habitat features, to evaluate potential impacts resulting from ground disturbance, prior to the initiation of ground disturbance associated with projects or phases tiered from this Plan.
>
> **Recommended Mitigation Measure 22: AMBA Avoidance**
> If AMBA are detected during surveys or project construction, avoidance whenever possible is encouraged via delineation and a 50-foot no disturbance buffer around burrows. CDFW also advises that any individuals observed be allowed to leave the project site of their own volition.

State Species of Special Concern

The Plan may contain suitable habitat for coast horned lizard, legless lizards, and San Joaquin coachwhip. As such, CDFW recommends that a qualified biologist conduct a habitat assessment in support of the DEIR, to determine if the Plan area or the immediate vicinity contains potential habitat for these species. If potential habitat is present, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such as avoidance, minimization, and mitigation.

Special-Status Plants

The Plan is within the known geographic range of several special-status plants, including threatened Bakersfield Cactus, California Jewel flower, and San Joaquin Woollythreads, and based on aerial imagery, suitable habitat may be present. As such, CDFW recommends that a qualified biologist conduct a habitat assessment to determine whether potential suitable is present for special-status plants. If suitable habitat is determined to be present, CDFW recommends that the Plan area be surveyed for special-status plants by a qualified botanist following the Protocols for Surveying and

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018) as part of the biological technical studies conducted to inform the DEIR. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. Please note that adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special-status plants in the surveyed area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude presence or identification of special-status plants in any given year.

If special-status plants are identified in the Plan area, 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 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), project proponents are responsible for ensuring that implementation of the any projects tiered from the Plan 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 to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by project activities. 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 activities. If behavioral changes occur, CDFW recommends halting the work

Docusign Envelope ID: F1CE0783-3417-80B0-839F-8485A1DCF96E

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 that DEIR for the Plan include an analysis of the impacts of artificial lighting on biological resources and 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.

Lake and Streambed Alteration (LSA): Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires project proponents to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For information on notification requirements, please

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refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region LSA Program at (559) 243-4593 or R4LSA@wildlife.ca.gov.

CDFW therefore recommends that the DEIR for this Plan include information related to these requirements of Fish and Game code and advise that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to streams may require the need to notify pursuant to Fish and Game Code section 1602.

CNDDB: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there 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 potential impacts to biological resources for any future projects tiered from this Plan, surveys conducted by a qualified biologist during the appropriate survey period(s) and following the appropriate protocol methodology are warranted to determine whether any special-status species are present in or near the project site.

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

FILING FEES

The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County in identifying and mitigating Plan's impacts on biological resources.

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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).

If you have any questions regarding this letter or further coordination, please contact Evelyn Barajas- Perez, Environmental Scientist, at the address provided on this letterhead, by electronic mail at Evelyn.barajas-perez@wildlife.ca.gov, or by telephone at (559) 503-5738.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1- MMRP

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

U.S. Fish and Wildlife Service (USFWS)
Vincent_James@fws.gov

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