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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
wildlife.ca.gov

October 28, 2026

Abraham Prado, Director of Planning and Building Services
Planning and Building Services Department
County of San Benito
2301 Technology Parkway
Hollister, California 95023-2513
(831) 902-2273
aprado@sanbenitocountyca.gov

Subject: 5201 Airline Highway and 111 Best Road Project (Project)
Initial Study (IS) and Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2026091076

Dear Abraham Prado:

The California Department of Fish and Wildlife (CDFW) received an IS / MND from the County of San Benito (County) for the above referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

CDFW ROLE

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

[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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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.

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).

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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PROJECT DESCRIPTION SUMMARY

Proponent: Mike Nino

Objective: The Project proposes to subdivide an approximately 235-acre portion of the Project site into four parcels and one remainder parcel, consisting of two parcels of approximately 26.60 acres each, one parcel of approximately 45.50 acres, one parcel of approximately 72.60 acres, and a remainder parcel of 63.50 acres. No new construction is proposed on the created parcels, but the Project would retain the existing residences and communication tower. The Project also proposes to subdivide an approximately 198-acre portion of the Project site located at 5201 Airline Highway into four parcels and one remainder parcel. The four parcels would measure approximately 174.82 acres, 5.84 acres, 5.84 acres, 5.00 acres, and the remainder parcel would be approximately 6.14 acres. This subdivision would also include an approximately 0.36-acre dedication for a San Benito County Water District easement. No new construction is proposed on the created parcels; however, the Project evaluates the potential for up to six new single-family dwelling units within the Project site as a result of the subdivisions, one for each of the six vacant lots that would be created by the proposed Project consistent with the zoning.

Location: The Project site is located in unincorporated San Benito County, at 111 Best Road and 5201 Airline Highway. The Project site is located within Assessor's Parcel Numbers (APNs) 025-190-033, 025-190-032, 025-200-001, and 025-200-002.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County 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 MND prepared for this Project.

Based on a review of aerial imagery and information provided in the MND, the Project is mainly comprised of annual grassland, with several emergent wetland, stock pond, and stream features. There are also approximately six cattle or stock ponds on the Project site, and four existing residential structures. There are also numerous unpaved roads that traverse the Project site. There is a telecommunications facility and existing utility easements on the Project site, including easements for buried gas utilities and overhead pole utilities. Undeveloped annual grassland is present east of the Project site, while low-density residential development is present to the north and south. The Ridgemark Golf Club and Resort is located west of the Project site.

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CDFW Consultation

Portions of the Project site contain highly sensitive vernal pool, pond, and stream habitats, which provide high-quality habitat for a number of species, including the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State candidate and federally proposed threatened western spadefoot (*Spea hammondii);* and the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*). As the Project site is located within high-quality habitat for a number of special-status species, CDFW strongly recommends that the Project proponent(s) consult with CDFW early in the housing development planning process to assist with siting and design considerations to avoid unauthorized take of CESA-listed species. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is required to comply with CESA. CDFW also recommends that housing developments and their associated building envelopes be sited to avoid higher quality habitats within the Project site and that these higher quality habitats be considered for conservation mitigation to compensate for impacts from future development.

Special-status Species

The MND acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some these measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including but not limited to the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*); the State and federally threatened California tiger salamander- central California Distinct Population Segment (DPS) (*Ambystoma californiense* pop.1); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); the State fully protected golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*); the State candidate western burrowing owl (*Athene cunicularia*); the State candidate and federally proposed threatened western spadefoot (*Spea hammondii*); the State species of special concern and federally threatened California red-legged frog (*Rana draytonii*); the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*); and the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi).*

CDFW also has concerns about the ability of certain mitigation measures to reduce impacts to special-status plants including, but not limited to, the California Rare Ranked Plants (CRPR) 1B.2 Hall's tarplant (*Deinandra halliana*), Indian Valley bushmallow (*Malacothamnus aboriginum*), Saline Clover (*Trifolium hydrophilum*), and San Joaquin spearscale (*Extriplex joaquinana*).

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Fully Protected Raptors

The MND notes that bald eagle (BAEA), golden eagle (GOEA), and white-tailed kite (WTKI) may occur within the Project site as suitable nesting and foraging habitat is present in and adjacent to the Project site. The MND includes Mitigation Measure (MM) 3.4-1d to mitigate for potential significant impacts to the species, which requires a qualified biologist to conduct focused surveys within 14 days of construction activities of a development projects. If active nests are detected, a ¼-mile buffer would be implemented until it has been determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW concurs with MM 3.4-1d but recommends that focused surveys follow the methods outlined in the Protocol for Evaluating Bald Eagle Habitat and Populations in California (Jackman and Jenkins 2004), the Interim Golden Eagle Inventory and Monitoring Protocols and Other Recommendations (USFWS 2010). CDFW also recommends that in the event a fully protected raptor nest is detected during surveys and/or construction, the no-disturbance buffer be expanded to a minimum of a ½-mile around active nests. CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon parental care for survival. In the event that a BAEA, GOEA, or WIKI nest is detected during surveys, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

California Tiger Salamander and California Red-Legged Frog

The MND includes Mitigation Measure (MM) 3.4-1b to mitigate for potential significant impacts to California tiger salamander (CTS) and California red-legged frog (CRLF). MM 3.4-1 includes several avoidance and minimization measures to mitigate for potential significant impacts and specifically requires the project proponent(s) to consult with CDFW prior to the implementation of project (i.e., housing development) construction activities. As noted above, the Project parcels contain high-quality aquatic and upland habitat for species such as CTS and CRLF, and CDFW is concerned that consultation prior to initiation of construction would be too late to assist with providing project development siting and/or design modifications to implement the construction project(s) and avoid take. As such, CDFW concurs with MM 3.4-1b but strongly recommends that the project proponent(s) consult with CDFW early in the planning process and way before the submittal of construction-related permitting with the County.

Swainson's Hawk

The MND notes that Swainson's hawk (SWHA) may occur within the Project site as suitable nesting and foraging habitat is present in and adjacent to the Project site. The MND includes MM 3.4-1d to mitigate for potential significant impacts to the species, which requires a qualified biologist to conduct focused surveys within 14 days of

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construction activities of a development project(s). If active nests are detected, a 500-foot buffer would be implemented until it has been determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW concurs with MM 3.4-1d but recommends that surveys follow the full methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) and also recommends delineating and maintaining a minimum ½-mile no-disturbance buffer around an active nest. In the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Tricolored Blackbird

The MND notes that tricolored blackbird (TRBL) may occur within the Project site as suitable nesting and foraging habitat is present in and adjacent to the Project site. The MND includes Mitigation Measure (MM) 3.4-1d to mitigate for potential significant impacts to the species, which requires a qualified biologist to conduct focused surveys within 14 days of construction activities of a development project(s). If active nests are detected, a qualified biologist would implement an appropriate no-disturbance buffer. CDFW concurs with MM 3.4-1d but recommends that these surveys be conducted within 10 days of construction activity and that no-disturbance buffers be a minimum of 300-feet around the colony in accordance with CDFW's Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015 (CDFW 2015). It is important to note that TRBL colonies can expand over time. For this reason, CDFW also recommends conducting pre-construction surveys of an identified nesting colony within 10 days prior to the start of ground or vegetation disturbing activities to reassess the colony's real extent. In the event a TRBL nesting colony is detected, and a 300-foot no-disturbance buffer is not feasible, consultation with CDFW is recommended to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Western Burrowing Owl

The MND notes that western burrowing owl (BUOW) may occur within the Project site as it includes open grasslands and burrows suitable for nesting. The MND includes MM 3.4-1c to mitigate for potential significant impacts to the species, which requires a qualified biologist to conduct a focused survey for BUOW no less than 14 days prior to ground disturbance activities within a project development area following the CDFW Staff Report on Burrowing Owl Mitigation (CDFW Staff Report; CDFW 2012). MM 3.4-1c also outlines the implementation of no-disturbance buffers during the breeding and non-breeding season and allows for the implementation of an exclusion plan and eviction of

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BUOW from their burrows, and cites the CDFW Staff Report for justification. CDFW would like to note that the CDFW Staff Report was prepared prior to the species listing as a State candidate under CESA. 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 implementation of BUOW eviction and/or passive relocation, absent appropriate take CESA take authorization, would be likely to result in the direct take of BUOW and would be a potential violation of CESA. As such, CDFW recommends MM BIO 3.4-1c be modified to include the following:

Recommended Mitigation Measure 1: BUOW Pre-construction Surveys

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. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 2: 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 3: 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 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).

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The MND notes that western spadefoot (WESP) may occur within the Project site as aquatic resources, including vernal pool habitats, are mapped in the Project site. The MND includes MM 3.4-1i to mitigate for potential significant impacts to the species, which requires that a qualified biologist conduct focused surveys following CDFW guidelines, and that CDFW be consulted to assist with the development of a mitigation plan to avoid or minimize impacts from project development on this species and its associated habitat. CDFW concurs with the need to mitigate for potential significant impacts to WESP, and strongly recommends that the Project proponent(s) consult with CDFW early in the planning process and way before the submittal of construction-related permitting with the County to assist with project siting and avoiding take of WESP. CDFW also recommends MM 3.4-1i be modified to include the following measures:

Recommended Mitigation Measure 4: 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 5: 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.

Recommended Mitigation Measure 6: 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.

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Northwestern Pond Turtle

The MND notes that northwestern pond turtle (NWPT) may occur within the Project site as it contains ponds and other open water habitats. It doesn't appear the MND provided mitigation measures to mitigate for potential significant impacts to this species. Without appropriate avoidance and minimization measures for NWPT, potentially significant impacts associated with project development activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality. As such, CDFW recommends the MND include the following measures:

> **Recommended Mitigation Measure 7: NWPT Focused Surveys**
> CDFW recommends that a qualified biologist conduct focused surveys for NWPT within 10 days prior to Project activity, and that focused surveys for nests occur during the egg-laying season of March through August.
>
> **Recommended Mitigation Measure 8: NWPT Avoidance and Minimization**
> CDFW recommends that any NWPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or project areas. If NWPT individuals are discovered at the site during surveys or project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

American Badger

The MND notes that American badger (AMBA) may occur within the Project site as it contains grassland and farmland. The MND includes MM 3.4-1e to mitigate for potential significant impacts to the species, which requires a qualified biologist to conduct focused surveys within 30 days of project construction activities, and the implementation of appropriate no-disturbance buffers if occupied dens are found. CDFW concurs with MM 3.4-1e and recommends the no-disturbance buffers be no less than 50 feet. CDFW also recommends that any individuals observed be allowed to leave the project site of their own volition.

Vernal Pool Fairy Shrimp

The MND notes that vernal pool fairy shrimp (VPFS) (branchiopod) may occur within the Project site as appropriate aquatic habitats, including vernal pools, are located within the Project site. The MND includes MM 3.4-1h to mitigate for potential significant impacts to the species, which requires that a qualified biologist conduct preconstruction surveys within a portion of the Project site and that construction be timed to avoid the rainy season within areas where VPFS are detected. As discussed above, the Project site provides high-quality habitat for a number of vernal pool species including VPFS

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and VPFS have a high likelihood to occur throughout aquatic resources present throughout the Project site. As such, CDFW reiterates the recommendation that the project proponent(s) consult with CDFW early in the planning process and way before the submittal of construction-related permitting with the County to assist with project siting and avoiding take of VPFS.

CDFW also recommends MM 3.4-1h be modified and include the following measure:

> **Recommended Mitigation Measure 9: Branchiopod Surveys and CDFW Consultation**
> CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (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.

Special-Status Plants

The MND notes that several special-status plants may occur within the project site. The MND includes MM 3.4-1a to mitigate for potential significant impacts to these species, which requires a qualified biologist to conduct protocol-level surveys following the Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities (CDFW 2018). If special-status plants are found during surveys and cannot be avoided, MM 3.4-1a requires the project proponent to consult with CDFW to develop and implement a site-specific mitigation strategy to compensate for loss of occupied habitat or individuals. CDFW concurs with MM 3.4-1a and recommends the following also be added to the measure:

> **Recommended Mitigation Measure 10: Special-Status Plant Avoidance and Take Authorization**
> CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s). If buffers cannot be maintained, consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plants and/or how to implement the project to avoid take. If State endangered, threatened, or rare plants are identified during special-status plant surveys and take cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), consultation with CDFW for acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b)

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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

Lake and Streambed Alteration: Based on aerial imagery, it appears that several streams are located within the Project site. 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) 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.

Nesting Birds: CDFW encourages that project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the project applicant is responsible for ensuring that implementation of the project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends

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halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

CDFW recommends if continuous monitoring of identified nests by a qualified biologist is not feasible, 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.

California Natural Diversity Database (CNDDB) Positive Submission of Data: Please note that the California Natural Diversity Database (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.

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 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.

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(Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the County with incorporating the recommended mitigation measures provided above. Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 or john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1- MMRP Table

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

U.S. Fish and Wildlife Service
Mark Ogonowski
mark.ogonowski@fws.gov

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Attachment 1

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Attachment 1

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

PROJECT: 5201 Airline Highway and 111 Best Road Project

SCH No.: 2026091076

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 1: BUOW pre-construction surveys	
Recommended Mitigation Measure 3: BUOW take authorization	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 4: WESP pre-activity surveys	
Recommended Mitigation Measure 6: WESP take authorization	
Northwestern Pond Turtle (NWPT)	
Recommended Mitigation Measure 7: NWPT focused surveys	
Vernal Pool Fairy Shrimp (VPFS)	
Recommended Mitigation Measure 9: VPFS branchiopod surveys and CDFW consultation	
Special-Status Plants (SSP)	
Recommended Mitigation Measure 10: SSP avoidance and take authorization	
During Construction	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 2: BUOW avoidance buffer	
Western Spadefoot (WESP)	

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Recommended Mitigation Measure 5: WESP avoidance buffer	
Northwestern Pond Turtle (NWPT)	
Recommended Mitigation Measure 8: NWPT avoidance and minimization	
Special-Status Plants (SSP)	
Recommended Mitigation Measure 10: SSP avoidance and authorization	