Docusign Envelope ID: 176CA8C3-80AF-84E9-831D-09D14C96C903

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

November 18, 2026

Rob Holt, Supervising Planner
City of Fresno, Planning and Development Department
2600 Fresno Street
Clovis, California 93612
(559) 621-8062
Robert.Holt@fresno.gov

Subject: Vesting Tentative Tract Map 6525 (Project)
Notice of Preparation (NOP
State Clearinghouse No.: 2026100654

Dear Rob Holt:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Fresno for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[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: 176CA8C3-80AF-84E9-831D-09D14C96C903

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, if the Project 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).

PROJECT DESCRIPTION SUMMARY

Proponent: AFI Fresno Residential Investors, LLC

Objective: The Project proposes to demolish an existing 522,470-square-foot vacant building, previously utilized by the Internal Revenue Service, and the associated parking lot with 2,698 parking spaces and landscaped area. The Project would construct a subdivision with 432 single-unit residential lots and three (3) outlots for public open space within a planned residential community. The Project would include associated parking and circulation, landscaping, lighting, utilities and infrastructure. The Project would require a rezone of approximately 47.57 acres from Public and Institutional to Single-Unit Residential, Medium Density, and a General Plan Amendment to change the land use designation to Medium Density Residential.

Location: The proposed Project site is located at 5046 East Lane Avenue within the City of Fresno on Assessor Parcel Number (APN) 472-021-31. The Project site is bound to the north by East Lane Avenue and by East Butler Avenue to the south.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Fresno 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 CEQA document.

Aerial imagery shows that the Project site is bound by multi-unit residential uses and an elementary school to the north; single-unit residential uses to the east and south; and multi-unit residential uses to the west. Nearby development includes large

Docusign Envelope ID: 176CA8C3-80AF-84E9-831D-09D14C96C903

commercial/retail centers with anchor stores such as The Home Depot, Foods Co, and WinCo Foods; multiple educational institutions such as Fresno Pacific University, Sunnyside High School, and Ayer Elementary School; and multiple city parks such as Pilibos Soccer Park, Sunnyside Park, and Trolley Creek Park. Willow/Heaton Pond is located about 1/10 of a mile south of the Project site.

After reviewing the NOP, the California Natural Diversity Database (CNDDB) for records of protected and listed species in the surrounding area, and utilizing CDFW's familiarity with biological resources near the Project site, CDFW recommends a qualified biologist conduct a habitat assessment for the State candidate and federally proposed threatened western spadefoot (*Spea hammondii:* WESP), as part of the biological technical studies to inform the DEIR

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. WESP occurs primarily in grasslands and seasonal wetlands with suitable adjacent upland habitat, but have also been found to utilize agricultural pumps, sumps, retention and detention ponds, and agricultural ditches within agricultural and residential areas. There may be habitat features that support WESP breeding and dispersal within the Project vicinity. Although no WESP occurrences have been documented at or near the Project site in the CNDDB, the species has been documented in residential and agricultural areas elsewhere within its known range (CDFW 2026). CDFW emphasizes that the CNDDB is populated through voluntary submissions of species detections; therefore, the absence of occurrence records does not confirm the species is absent from a site. Where suitable habitat exists, species may occur but remain undocumented.

Accordingly, CDFW recommends that a qualified biologist conduct a habitat assessment and analysis as part of the biological technical studies prepared in support of the DEIR to determine if the Project site and surrounding area may have the potential to support WESP. This analysis should also determine whether the Project would have the potential to impact the species. If it is determined that WESP have the potential to occur and be impacted by Project activities, CDFW recommends the City of Fresno consult with CDFW for guidance on appropriate surveys and mitigation measures for avoidance, minimization, and mitigation. If take of WESP 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.

Docusign Envelope ID: 176CA8C3-80AF-84E9-831D-09D14C96C903

Editorial Comments and/or Suggestions

Nesting Birds

CDFW encourages that Project construction occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project proponent is responsible for ensuring that construction of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct pre-activity surveys 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. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change.

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 that 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 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.

CNDDB: Please note that the CNDDB is populated by and records 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 any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife

Docusign Envelope ID: 176CA8C3-80AF-84E9-831D-09D14C96C903

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 The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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 and assist the City of Fresno in identifying and mitigating Plan 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).

If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at marile.colindres@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

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

Docusign Envelope ID: 176CA8C3-80AF-84E9-831D-09D14C96C903

REFERENCES

California Department of Fish and Wildlife. 2026. Biogeographic information and observation system. https://www.wildlife.ca.gov/Data/BIOS. Accessed 13 October 2026.