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GAVIN NEWSOM, Governor
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August 11, 2020

Carl Holm
AICP, RMA Director
Monterey County Resource Management Agency—Planning Department
1441 Schilling Place
Salinas, California 93901
ceqacomments@co.monterey.ca.us

Subject: Rancho Canada Village Rancho Canada Ventures, LLC PLN40061
Second Revised DRAFT ENVIRONMENTAL IMPACT REPORT (SRDEIR)
State Clearinghouse No. 2006081150

Dear Mr. Holm:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a SRDEIR from Monterey County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously submitted comments in response to the originally circulated DEIR.

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, we appreciate 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 statue 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.

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.), related authorization as provided by the Fish and Game Code may 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).

Water Pollution: Pursuant to Fish and Game Code section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures, activities associated with the Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize these watercourses include the following: increased sediment input from road or structure runoff; toxic runoff associated with development activities and implementation; and/or impairment of wildlife movement along riparian corridors. The Regional Water Quality Control Board and United States Army Corps of Engineers also has jurisdiction regarding discharge and pollution to Waters of the State.

PROJECT DESCRIPTION SUMMARY

Proponent: County of Monterey

Objective: The objective of the Project is to re-develop the former Rancho Canada Golf Course which is currently being used for cattle grazing. Primary Project activities include development of 130 residential units, traditional neighborhood principles (shopping facilities, schools, open spaces, and churches), community parks, habitat preserve area, and addition of roads for accessibility of the new developments.

Location: Between Carmel Valley Road and the Carmel River, east of Val Verde Drive within the former Rancho Canada Golf Course site. Assessor's Parcel Numbers:

015-162-016-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000; a portion of 015-162-040-000; and portions of 015-021-006-000, 015-021-007-000, and 015-541-091-000. Encompassing approximately 76-acres of land.

Timeframe: Unspecfied

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist County of Monterey 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 document.

There are several special-status resources present in and adjacent to the Project area. These resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. The SRDEIR indicates there is potential significant impact unless mitigation measures are taken but the measures listed do not address some special-status species with the potential to occur and some are non-specific which may be inadequate to reduce impacts to less than significant. CDFW is concerned regarding potential impacts to special-status species including, but not limited to: the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State endangered foothill yellow-legged frog (*Rana boylii*), the federally threatened and State species of special concern California red-legged frog (*Rana draytonii*), the federally threatened South-Central California Coast steelhead (*Oncorhynchus mykiss*) distinct population segment (DPS), and the State species of special concern burrowing owl (*Athene cunicularia* and legless lizard (*Anniella pulchra*). In order to adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern.

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or

special-status species in local or regional plans, policies, or regulations, or by CDFW or the United State Fish and Wildlife Service (USFWS)?

COMMENT 1: Foothill Yellow-Legged Frog (FYLF) and California Red-Legged Frog (CRLF)

Issue: CRLF have been documented on the Project site and FYLF have been documented 1.3 miles from the Project site (CDFW 2020). FYLF are primarily stream dwelling and require shallow, flowing water in streams and rivers with at least some cobble-sized substrate; CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons, and both species will also breed in ephemeral waters (Thomson et al. 2016). The Project site contains habitat that may support both species. The SRDEIR does not consider impacts to FYLF and does not propose mitigation measures to reduce impacts to FYLF to less than significant.

Specific impact: Without appropriate avoidance and minimization measures for FYLF and CRLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals.

Evidence impact would be significant: FYLF populations throughout their southern range, including Monterey County, have experienced ongoing and drastic declines and many have been extirpated; historically, FYLF occurred in mountain streams from the San Gabriel River in Los Angeles County to southern Oregon west of the Sierra-Cascade crest (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to FYLF (Thomson et al. 2016, USFWS 2017). Project activities have the potential to significantly impact both species.

Recommended Potentially Feasible Mitigation Measure(s)
CDFW recommends the following edits to the SRDEIR prepared for this Project to evaluate potential impacts to FYLF incorporate the following mitigation measures.

Mitigation Measure BIO-7
CDFW recommends that a qualified wildlife biologist, familiar with both FYLF and CRLF biology and natural history, conduct surveys for FYLF in addition to CRLF in accordance with the USFWS "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if FYLF

and/or CRLF are within or adjacent to the Project area. While this survey is designed for CRLF, the survey may be used for FYLF focusing on stream/river habitat.

Mitigation Measure BIO-8
CDFW recommends Mitigation Measure BIO-8 be edited to include FYLF habitat, as determined by a qualified biologist, as well as CRLF habitat.

Mitigation Measure BIO-9
CDFW recommends Mitigation Measure BIO-9 be edited to include FYLF as well as CRLF and be conducted by a qualified biologist. These surveys are recommended in addition to the protocol surveys listed as part of Mitigation Measure BIO-7.

Mitigation Measure BIO-10
CDFW recommends that FYLF is included as part of Mitigation Measure BIO-10. In addition to ground-disturbing activities, CDFW recommends a qualified biologist be present during any vegetation disturbing activity that has the potential to affect FYLF or CRLF.

Mitigation Measure BIO-11
CDFW recommends that FYLF habitat be included as part of Mitigation Measure BIO-11.

Recommended New Mitigation Measure 1: Take Authorization
A stated above, FYLF is listed as Endangered pursuant to CESA. If FYLF are detected during surveys required by Mitigation Measure BIO-7 or Mitigation Measure BIO-9 or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), in accordance with Fish and Game Code section 2081(b), is necessary to comply with CESA.

COMMENT 2: California Tiger Salamander (CTS)

Issue: The Project site is within CTS range and CTS have been documented in the Project vicinity (CDFW 2020). Aerial imagery shows that the Project site is adjacent or near annual grasslands and other upland habitat features that may provide suitable dispersal habitat or refugia for CTS. Remnant ponds or other aquatic features on or near the Project site may provide potential breeding habitat for CTS that occur in the Project area. The SRDEIR states that no habitat exists on the Project site. However, if small mammals are or will be present on the Project site, their burrows would provide suitable refugia for CTS. In addition, if CTS occurred nearby, they may disperse onto the Project site. The SRDEIR does not adequately

analyze the potential for CTS to occur on the Project site or propose mitigation measures to reduce impacts to CTS to less than significant should CTS be detected.

Specific Impacts: Potential ground- and vegetation-disturbing activities associated with Project activities include: water inundation as a result of the proposed new ponds, collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact would be significant: Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Searcy et al. 2013). CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011). Given the presence of suitable habitat within and/or adjacent to the Project site, ground-disturbing activities have the potential to significantly impact local populations of CTS.

Recommended Potentially Feasible Mitigation Measure(s)
CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the SRDEIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended New Mitigation Measure 2: Focused CTS Protocol-level Surveys
CDFW recommends that a qualified biologist conduct a habitat assessment and protocol-level surveys in accordance with the USFWS “Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (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 and the USFWS 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 area 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 New Mitigation Measure 3: 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 determine if the

Project can avoid take. If take cannot be avoided, acquisition of take authorization would be warranted prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through issuance of an ITP by CDFW pursuant to Fish and Game Code section 2081(b).

COMMENT 3: Burrowing Owl (BUOW)

Issue: The SDEIR states that BUOW "could occur along the edges of the golf course". BUOW have been documented in the Project vicinity (CDFW 2020). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc. containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Review of aerial imagery indicates that some of the Project site is bordered by annual grassland, and therefore, could forage on the Project site. In addition, if ground squirrels or other small mammals are present adjacent to the Project site, they have the potential to colonize the Project site and create burrows suitable for refugia or nesting. No mitigation measures are proposed in the SRDEIR to reduce impacts to less than significant if BUOW were to occur on or adjacent to the Project site.

Specific impact: Potentially significant direct impacts associated with subsequent activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: BUOW rely on burrow habitat year-round for their survival and reproduction. Therefore, subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the Early Consultation prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended New Mitigation Measure 4: BUOW Surveys
CDFW recommends that a qualified biologist assess if suitable BUOW habitat features are present within or adjacent to the Project site (e.g., burrows). If suitable habitat features are present, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California

Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Recommended New Mitigation Measure 5: BUOW Avoidance
CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended New Mitigation Measure 6: BUOW Passive Relocation and Mitigation
If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

COMMENT 4: Legless Lizard (LL)

Issue: LL have been documented to occur in the Project vicinity (CDFW 2020). Northern California legless lizard are found primarily in areas with sandy or loose organic soils or where there is plenty of leaf litter (Zeiner et al., 1990d). LL have the potential to occur where there is spare vegetation near chaparral, pine-oak woodlands, and streamside growth of sycamores, cottonwoods, and oaks (California Herps 2020)

Specific impact: Without appropriate avoidance and minimization measures for LL potentially significant impacts associated with the Project's activities could include site abandonment which may result in reduced health or vigor of eggs and/or young, and/or direct mortality.

Evidence impact is potentially significant: Habitat loss is a primary threat to LL (Zeiner et al., 1990d). The Project area has the capacity to support the species and thus, the Project has potential to impact the species.

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts to LL, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the SRDEIR prepared for this Project, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 7: LL Surveys
If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for LL and their requisite habitat features to evaluate potential impacts resulting from ground-disturbance.

Recommended Mitigation Measure 8: LL Avoidance
Avoidance whenever possible is encouraged via delineation however, a qualified biologist with the appropriate handling permit may relocate LL out of the Project area into a nearby area with suitable habitat.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 5: Wetland and Riparian Habitats

Issue: The Project area is adjacent to the Carmel River which contains riparian and wetland habitat. Development within the Project has the potential to involve temporary

and permanent impacts to these features. Based on the information provided in the SRDEIR, CDFW is concerned about impacts to the Carmel River resulting from erosion and changes to stream morphology, both on the Project site and downstream, as well as the potential for the excavated pond to capture stream flows, create a secondary channel for the Carmel River, and/or reroute the low-flow channel of the Carmel River. CDFW is also concerned about potential impacts to aquatic resources, including potential impacts to South-Central California Coast Steelhead as described in the letter from the National Marine Fisheries Service to Mr. Carl P. Holm, Monterey County, dated August 10, 2020 (NMFS File No. 151416SWR2008SR00093). Salvage of South-Central California Coast Steelhead alone, as described in Mitigation Measure BIO-18, is unlikely to reduce impacts to this species to less than significant.

Specific impact: Project activities have the potential to result in the loss of riparian and wetland vegetation, in addition to the degradation of wetland and riparian areas through grading, fill, and related development.

Evidence impact is potentially significant: 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. Modifications of streams to accommodate human uses has resulted in damming, canalizing, and channelizing of many streams, though some natural stream channels and small wetland or wetted areas remain (Edminster 2002). 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 has the potential to impact downstream waters as a result of Project site impacts leading to erosion, scour, and changes in stream morphology.

Recommended New Mitigation Measure 9: Stream and Wetland Habitat Mitigation
CDFW recommends that the potential direct and indirect impacts to stream/riparian and wetland habitat be analyzed according to each Project activity. Based on those potential impacts, CDFW recommends that the CEQA document includes measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to riparian habitat (i.e., biotic and abiotic 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 not only corresponding restoration of riparian and wetland vegetation as described in Mitigation Measure BIO-2, but also 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 offsite 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.

II. Editorial Comments and/or Suggestions

Lake and Streambed Alteration: The Project contains activities that will result in the Project site being 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; 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, such as the unnamed stream within the Project site, as well as those that are perennial in nature.

For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement (LSAA). If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.

Nesting Birds: Mitigation Measure BIO-16 states that vegetation will be removed during the nonbreeding season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), 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 Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife 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 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 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 wildlife 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 construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Water Rights: The capture and storage of unallocated stream flows by the pond excavated in the floodplain would be subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to California Water Code (CWC) section 1200 et seq. CWC sections 1205 through 1207 establish a procedure for the SWRCB to adopt a declaration designating stream systems that are determined to be fully appropriated either year-round or during specified months. Any declaration that a stream system is fully appropriated encompasses all upstream sources that contribute to the stream system if, and to the extent that, such upstream sources are hydraulically continuous to the stream system. The SWRCB declared that the Carmel River surface and subsurface flow and tributaries are fully appropriated from May 1 through December 31 (Decision 1632, Water Right Orders 95-10 and 98-08). Water flowing in the Carmel aquifer is subject to the Declaration of Fully Appropriated Stream Systems determination as to availability of water; however, applications listed in Table 13 of Decision 1632 or applications filed in accordance with Condition 10 of Decision 1632 are not subject to this Declaration of Fully Appropriated Stream Systems determination as to the availability of water (Decision 1632, Pages 41-50 and 97-98).

If SWRCB determines that unallocated stream flows exist in the Carmel River system, then use of these flows are subject to appropriation and approval by SWRCB pursuant to CWC sections 1225 *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. (CWC § 1243(b)). In determining the amount of water available for appropriation for other beneficial uses, the SWRCB must take into account, especially regarding navigable waters such as these,

the amount of water required for the preservation and enhancement of fish and wildlife resources. (CWC § 1243(a)). CDFW recommends that the SRDEIR address the water right and whether the project is subject to Declaration of Fully Appropriated Stream Systems determination.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, CRLF, CTS, and South-Central California Coast Steelhead. Take under the federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

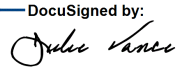
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 on the SRDEIR to assist County of Monterey 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). Please see the enclosed Mitigation Monitoring (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Aimee Braddock, Environmental Scientist, at aimee.braddock@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

Attachment

ec: Office of Planning and Research, State Clearinghouse

Aimee Braddock
California Department of Fish and Wildlife

REFERENCES

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Attachment 1

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

PROJECT: Rancho Canada Village Rancho Canada Ventures, LLC PLN40061

SCH No.: 2006081150

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Mitigation Measure BIO-7	
Mitigation Measure BIO-8	
Mitigation Measure BIO-9	
Mitigation Measure BIO-10	
Mitigation Measure BIO-11	
New Mitigation Measure 1: FYLF Take Authorization	
New Mitigation Measure 2: Focused CTS Protocol-level Surveys	
New Mitigation Measure 3: CTS Take Authorization	
New Mitigation Measure 4: BUOW Surveys	
New Mitigation Measure 6: BUOW Passive Relocation and Mitigation	
New Mitigation Measure 7: LL Surveys	
New Mitigation Measure 9: Stream and Wetland Habitat Mitigation	
During Construction	
New Mitigation Measure 5: BUOW Avoidance	
New Mitigation Measure 8: LL Avoidance	