



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

August 12, 2022

Aug 12 2022

STATE CLEARINGHOUSE

Erik Lundquist, Director of Housing & Community Development
Monterey County Housing and Community Development
1441 Schilling Place, South 2nd Floor
Salinas, California 93901
CEQAcomments@co.monterey.ca.us

**Subject: Harper Canyon Subdivision (Project)
Notice of Preparation (NOP) for a Supplemental Draft Environmental
Impact Report (EIR)
State Clearinghouse No.: 2003071157**

Dear Mr. Lundquist:

The California Department of Fish and Wildlife (CDFW) received an NOP from Monterey County Housing and Community Development 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, 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 exercise of our own regulatory authority under the Fish and Game Code.

Due to the limited Project information provided, the following comments do not represent all of our concerns; more specific comments can be provided once CDFW has had the opportunity to review the Supplemental Draft EIR that will be prepared for this Project. Our comments follow.

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 the 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.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Monterey County Housing and Community Development

Objective: The Supplemental Draft EIR will examine wildlife movement between Fort Ord National Monument, Santa Lucia Ranges, and Toro Creek via under-crossing of State Route 68, overpasses along Portola Drive, and local/onsite drainages and culverts and will include the review of previous research, including but not limited to, the Central Coast Connectivity Project and the 2008 WRA Environmental Consultants memorandum developed for the Ferrini Ranch EIR (SCH# 2005091055). In response to the court of appeal ruling, the document will focus solely on analyzing the wildlife corridors in the vicinity of the proposed project and will evaluate the potential impacts the proposed Project may have on these corridors. The Supplemental Draft EIR will identify, where necessary, mitigation to avoid, eliminate, or reduce impacts to a less than significant level, where feasible.

Location: The proposed Project is located along the State Route 68 corridor of Monterey County off San Benancio Road.

Timeframe: N/A.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Monterey County Housing and Community Development 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 environmental document for this Project.

Wildlife Corridor: Habitat loss and fragmentation are major threats to plant and animal communities across the globe (Buchmann et al. 2013). Identifying areas of high quality habitat and connectivity are essential to maintain viable populations in the future (Gilpin

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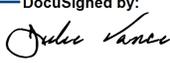
1987). Habitat connectivity provides paths for movement across the landscape and is important for species to find food, cover, and mates. Development and habitat conversion can impede movement across the landscape. Habitat connectivity can be achieved through the identification of conservation of corridors with fine scale wildlife connectivity analysis (CDFW 2014). Along with using multiple resource methods such as review of previous wildlife corridor research, use of field camera surveys, track surveys, and animal-vehicle collision data, CDFW recommends considering CDFW's *Guidance Document for Fine-Scale Wildlife Connectivity Analysis* (CDFW 2014) to identify wildlife movement corridor(s) within the Project site to preserve them. CDFW also recommends multi-day surveys for data collection; multi-day surveys are necessary to get a clear and complete picture of wildlife movement within the Project site.

Special Status Species: Based on species occurrence records from the California Natural Diversity Database (CNDDDB), the Project site is known to and/or has high potential to support special-status species, including CESA-listed species. Specifically, CDFW is concerned about potential impacts to the State and federally threatened California tiger salamander (CTS; *Ambystoma californiense*); there are two CTS records, both within a mile, located north and west of the Project site (CDFW 2022). While the scope of the Supplemental Draft EIR focuses only on wildlife corridors, CDFW finds that CTS has the potential to be impacted by the Project and recommends the EIR address this species.

Federally Listed Species: CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) on potential impacts to federally listed species including, but not limited to, CTS. 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.

CDFW is available to meet with you to discuss potential impacts and possible mitigation measures for biological resources. If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

ec: See Page Four

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REFERENCES

- Buchmann, C.M., Schurr, J.M., Nathan, R. & Jeltsch, F. 2013. Habitat loss and fragmentation affecting mammal and bird communities – The role of interspecific competition and individual space use. *Ecological Informatics*, 14, 90-98.
- California Department of Fish and Wildlife (CDFW). 2014. *Guidance Document for Fine-Scale Wildlife Connectivity Analysis*. December 2014. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=93018&inline>.
- CDFW. 2022. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>.
- Gilpin, M.E. 1987. Spatial structure and population vulnerability. In: *Viable populations for Conservation* (ed. Soule, ME). Cambridge University Press Cambridge, England, pp. 125-139.