



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 22, 2022

Governor’s Office of Planning & Research

**JUL 22 2022**

Stephanie Stowers  
Senior Planner  
County of San Joaquin  
1810 East Hazelton Avenue  
Stockton, CA, 95205

**STATE CLEARINGHOUSE**

Dear Ms. Stowers:

Subject: Gill Medical Center Project  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH# 2020010176

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from County of San Joaquin for the Gill Medical Center Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise 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 sustainable populations of those species. (Fish & G. Code., § 1802.) Similarly for purposes of CEQA, CDFW provides, 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

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<sup>1</sup> 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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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 is recommended. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

### PROJECT DESCRIPTION SUMMARY

The Project site is located on a 42.4-acre plot at 11000 North West Lane, Lodi, California, in the County of San Joaquin, at approximately Latitude: 38.059706, and Longitude: -121.293188.

The Project consists of the development of a 42.4-acre health center and hospital campus over two (2) phases. Phase 1 includes a 36,000 square foot single-story hospital. Phase 2 includes an additional three-story 140,000 square foot hospital, and a two-story 60,000 square foot medical office building.

### COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County of San Joaquin in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

CDFW is primarily concerned with the Project impacts to existing fish and wildlife resources including Swainson's Hawk (*Buteo swainsoni*), giant garter snake (*Thamnophis gigas*), Sanford's arrowhead (*Sagittaria sanfordii*), White-tailed Kite (*Elanus leucurus*), Burrowing Owl (*Athene cunicularia*), Loggerhead Shrike (*Lanius ludovicianus*), Cooper's Hawk (*Accipiter cooperii*), and other aquatic and terrestrial plant and wildlife species. CDFW provides the following comments for the County of San Joaquin's consideration:

1. In Mitigation Measure 4.6-1g: *Conducting Preconstruction Surveys for Nesting Migratory Birds*, the DEIR states, "If the Applicant elects to remove a nest tree, the nest tree may be removed between September 1 and February 15, when the nest is unoccupied." The take of state-listed species due to Project activities may only be permitted under an appropriate CESA take authorization. CDFW recommends that additional surveys be conducted by a qualified biologist to determine that nests are no longer occupied prior to removal. CDFW recommended survey windows in accordance with the, *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000):

- January 1 to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset

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- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
  - April 21 to June 10- Monitoring
  - June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset
2. The DEIR describes potential nesting habitat for White-tailed Kites within the Project area. White-tailed Kites are fully protected species (Fish & G. Code § 3511) and disturbances to the species must be fully avoided. CDFW recommends the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. The DEIR does not currently analyze how the Project will potentially impact fully protected species through habitat modification or loss of foraging habitat.
  3. The DEIR has identified a perennial stream on the Project site. The DEIR did not analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned aquatic features and associated biological resources/habitats that may occur because of the Project. Therefore, the DEIR should propose appropriate avoidance, minimization, and/or mitigation measures to reduce impacts to a less-than-significant level including but not limited to Project impacts to water temperature, water nutrient concentrations, and turbidity.

The DEIR has identified Project activities that may require notification to CDFW pursuant to Section 1602 of the Fish and Game Code. Notification is required for any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream, or lake;
- Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- Deposit debris, waste, or other materials where it may pass into any river, stream, or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. Upon receipt of a complete notification, CDFW will determine if the Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. The Project as currently proposed in the DEIR will require a LSA Agreement. A LSA Agreement will include measures necessary to protect existing fish and wildlife resources.

CDFW's issuance of a LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of a LSA Agreement, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, minimization, mitigation, and monitoring and reporting commitments.

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## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## FILING FEES

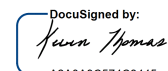
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to [r2CEQA@wildlife.ca.gov](mailto:r2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the DEIR to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Zach Kearns, Environmental Scientist at (916) 358-1134 or [zachary.kearns@wildlife.ca.gov](mailto:zachary.kearns@wildlife.ca.gov).

Sincerely,

DocuSigned by:  


A2A0A9C674C3445  
Kevin Thomas  
Regional Manager

ec: Billie Wilson, Senior Environmental Scientist (Supervisory)  
Jennifer Garcia, Environmental Program Manager  
Zach Kearns, Environmental Scientist  
CEQACommentLetters  
*Department of Fish and Wildlife*

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