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Governor's Office of Planning & Research

February 20, 2020

FEB 24 2020

STATE CLEARINGHOUSE

Jeff Sorensen
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, California 93721

**Subject: Ranchos Rehabilitation Project (Project)
Mitigated Negative Declaration (MND)
State Clearinghouse No. 2020019068**

Dear Mr. Sorenson:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration prepared by the California Department of Transportation (Caltrans) 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 and 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

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.

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.

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 implementation of 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 the streams and wetlands include the following: increased sediment input from road or structure runoff; and toxic runoff associated with construction activities and Project implementation. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

As a responsible agency, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans

Objective: The Project proposes to remove then reconstruct a 2.9-mile segment of State Route 41. The Project will involve bridge widening (over the Madera Canal),

extending existing culverts, installing additional culverts, relocating utilities, and modifying the roadway profile.

Location: Reportedly, the 172.28-acre Project Action Area exists as a 2.9-mile long corridor including the State Route 41 right-of-way (and adjoining natural lands) where it exists between Avenue 15 and State Route 145 in Madera County.

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments to assist Caltrans in adequately identifying and/or sufficiently reducing to less-than-significant the Project's significant, or potentially significant, direct and indirect impacts to fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Currently, the MND indicates that the Project's impacts would be less than significant with the implementation of mitigation measures described in the MND. However, as currently drafted, it is unclear whether the mitigation measures described will be sufficient in reducing impacts to a level that is less than significant. In particular, CDFW is concerned regarding the adequacy of avoidance and mitigation measures for special-status species including the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State Species of Special Concern burrowing owl (*Athene cunicularia*), and the following State listed plants: the State endangered and federally threatened succulent owl's clover (*Castilleja campestris* ssp. *succulenta*) and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*); and the State and federally endangered hairy Orcutt grass (*Orcuttia pilosa*).

If significant environmental impacts will occur as a result of Project implementation and are not mitigated to less than significant levels, an MND would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific, clearly defined, and cannot be deferred to a future time. Preparation of a species-specific mitigation plan following determination that a project activity will have a direct impact on special-status plants and wildlife species would be deferring mitigation to a future time. When an Environmental Impact Review (EIR) is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. Regardless of whether an MND or EIR is prepared, CDFW recommends that the CEQA document provide quantifiable and enforceable measures, as needed, that will reduce impacts to less than significant levels.

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 States Fish and Wildlife Service (USFWS)?

COMMENT 1: California Tiger Salamander (CTS)

Issue: Generally, CTS have the potential to occur at and in the vicinity of Project Action Area (CDFW 2019). Aerial photographs show that the 490-foot wide Project Action Area encompasses upland refugia and vernal pool breeding habitat for CTS. Accordingly, the MND states Caltrans is assuming presence of this species and will be acquiring a State Incidental Take Permit (ITP) pursuant to Fish and Game Code section 281(b). While the MND, as currently drafted, does include avoidance and minimization measures specific to CTS, CDFW suggests edits to those measures to reflect the measures which will be required under the ITP to meet CDFW's permit issuance criteria.

Specific Impacts: Depending on the small mammal species which constructs a burrow, its chambers can extend up to 50 feet from the burrow opening. Therefore, while a measure involving the salvage and relocation of individual CTS from within suitable burrows evidenced by openings within the Action Area is proposed in the MND, CDFW will additionally require salvage and relocation of individual CTS from burrows evidenced by openings at and beyond the Action Area.

Additionally, the MND includes a measure involving the installation of Environmental Sensitive Area (ESA) fencing at the Action Area boundaries for the purposes of retarding Project-related siltation from the Action Area to the natural lands beyond the Action Area, and to delimit the Action Area and prevent Project-related activities beyond its boundaries. This ESA fencing would be installed prior to the planned CTS salvage and relocation work at the Project Action Area. CDFW recommends that this ESA fence (or another barrier) be installed immediately after the salvage and relocation work, and in consultation with CDFW for the additional purpose of excluding CTS from the Project Action Area during the breeding/dispersion season.

Finally, in the MND, Caltrans anticipates mitigating for impacts to CTS breeding habitat at a ratio of 0.5:1, and CTS upland habitat at a ratio of 3:1. Caltrans should understand that CDFW does not use predetermined ratios when determining adequacy under the fully mitigate standard, but will likely require more than 0.5 acre of breeding habitat to mitigate for permanent impacts to one acre of the same under the ITP.

Evidence impact would be significant: Up to 75% of historic CTS habitat has been lost to development (Searcy et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS. Contaminants and vehicle strikes are also sources of mortality for the species (CDFW 2015, USFWS 2017). The Project Action Area is within the range of CTS, encompasses known occupied areas of CTS, and is surrounded by suitable breeding and aestivation habitat (i.e. grasslands interspersed with burrows and vernal pools). CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and have been documented near the Project Action Area (CDFW 2019). Given the presence of suitable habitat at and surrounding the Project Action Area, Project activities have the potential to significantly impact local populations of CTS.

Recommended Potentially Feasible Avoidance and Mitigation Measure(s)

Because suitable habitat for CTS is present at and near the Project Action Area, CDFW recommends the following edits to the Mitigation Measures for CTS, and that these edited measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: Recommended Edit to the first item in a bulleted list of Avoidance and Mitigation Measures for CTS on page 82 of the MND. Currently, the first measure in the bulleted list of measures for CTS indicates, in part, that “Prior to utility relocation efforts and after the installation of temporary silt fencing, potentially suitable small mammal burrows may be excavated ...following approval of a relocation plan.” CDFW recommends Caltrans be clear that the burrows which will be excavated will be those evidenced by suitable burrow openings located within the Action Area and those located outside but within 50 feet of the Action Area. Further, Caltrans should be clear that the fencing will be installed immediately after the relocation effort, not prior to. Finally, CDFW recommends that if the temporary silt fencing (or another barrier) is intended to function to exclude individual CTS from entering the Project Work Area during the breeding/dispersion season, it must be constructed to incorporate turn arounds be of a material CTS cannot climb, and that it is the subject of routine monitoring and maintenance.

Recommended Mitigation Measure 2: Recommended Edits to Compensatory Mitigation Narrative for Impacts to CTS on page 84 of the MND. Currently, Caltrans proposes to mitigate for impacts to upland habitat for CTS at a 3:1 ratio, and for impacts to aquatic habitat for CTS at a ratio of 0.5:1. While CDFW does not use pre-determined ratios when determining adequacy under the CESA fully mitigate standard, it is very likely more than 0.5 acres of breeding habitat would be required to mitigate for permanent impacts to one acre of impact to the same. CDFW recommends Caltrans propose mitigation for the Project-related impacts to both upland and aquatic CTS habitat in the MND at rate which will be agreed upon by both Caltrans and CDFW under the ITP.

COMMENT 2: Swainson's Hawk (SWHA)

Issue: SWHA have the potential to nest at and near the Project Action Area. The proposed Project will involve activities near large trees that may serve as potential nest sites.

Specific impacts: In the MND, Caltrans does not mention the possible need for incidental take authorization under CESA for any Project-related take of SWHA. However, without appropriate avoidance measures for SWHA, potential significant impacts (including take) could result from the Project-related activities. These significant impacts include: nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

Evidence impact is potentially significant: SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Approval of the Project will allow ground-disturbing activities that will involve noise, groundwork, and movement of workers that could affect nests and have the potential to result in nest abandonment, significantly impacting locally nesting SWHA.

Recommended Potentially Feasible Avoidance and Mitigation Measure(s)
Because suitable habitat for SWHA is present at and near the Project Action Area, CDFW recommends conducting the following evaluation of the Project Action Area, the following edits to the Avoidance, Minimization, and Mitigation Measures for SWHA, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 3: Recommended Edits to Survey Narrative for SWHA on Page 84 of MND. Currently, Caltrans plans to conduct protocol-level surveys following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) the season prior to Project implementation, "to determine if Swainson's hawks are nesting in the project area." CDFW recommends that Caltrans be clear that the protocol-level surveys will be conducted by a qualified biologist at and within ½ mile of the Project Action Area, and that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation if the Project commences during the breeding season (March 1 through September 15).

Recommended Mitigation Measure 4: Recommended Edits to No-Work Buffer Narrative on Page 84 of MND. If nesting pairs are identified during the protocol-level surveys, Caltrans proposes to observe a 500-foot no disturbance buffer around the nest tree. CDFW recommends that Caltrans be clear that if nesting pairs are observed, a ½-mile no disturbance buffer will be observed until the breeding season

has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 5: Recommended SWHA Take

Authorization Measure. CDFW recommends that Caltrans include a mitigation measure in the MND indicating that consultation with CDFW would be warranted in the event active SWHA nests are detected during surveys at or within ½-mile of the Project Action Area. Further this measure should indicate that take authorization through the issuance of an ITP would be obtained if avoidance of active SWHA nests cannot be achieved.

COMMENT 3: Tricolored Blackbird (TRBL)

Issue: TRBL have the potential to nest at and near the Project Action Area.

Specific impacts: In the MND, Caltrans does not mention the possible need for incidental take authorization under CESA for any Project-related take of TRBL. However without appropriate avoidance measures for TRBL, potential significant impacts (including take) could result from the Project-related activities. These significant impacts include: nest abandonment, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of TRBL without appropriate incidental take authorization would be a violation of Fish and Game Code.

Evidence impact is potentially significant: The lack of suitable TRBL nesting habitat in the San Joaquin Valley limits their local distribution and abundance. Approval of the Project will allow ground-disturbing activities that will involve noise, groundwork, and movement of workers that could affect nests and have the potential to result in nest abandonment, significantly impacting locally nesting TRBL.

Recommended Potentially Feasible Avoidance and Mitigation Measure(s)

Because suitable habitat for TRBL is present at and near the Project Action Area, CDFW recommends conducting the following evaluation of the Project Action Area, editing the MND to include the following measures specific to TRBL, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 6: Recommended Edits to TRBL Survey

Narrative on Page 83 of MND. Currently, Caltrans plans to conduct pre-construction surveys for TRBL to ensure no birds are nesting “in or next to the” Project Action Area. CDFW recommends Caltrans be clear that the surveys for TRBL will be conducted by a qualified wildlife biologist at and within 500 feet of the Project Action Area.

Recommended Mitigation Measure 7: Recommended Edit to No-Work Buffer on Page 83 of MND. If nesting TRBL are identified during the pre-construction surveys, Caltrans proposes to observe a 100-foot no disturbance buffer around the nest(s). CDFW recommends that Caltrans be clear that if nesting TRBLs are observed, a 500-foot no disturbance buffer will be observed until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 8: Recommended TRBL Take Authorization Measure. CDFW recommends that Caltrans include a mitigation measure in the MND indicating that consultation with CDFW would be warranted in the event active TRBL nests are detected during surveys at or within 500 feet of the Project Action Area. Further this measure should indicate that take authorization through the issuance of an ITP would be obtained if avoidance of active TRBL nests cannot be achieved.

COMMENT 4: Burrowing Owl (BUOW)

Issue: BUOW have the potential to occur at and near the Project Action Area.

Specific impact: Without appropriate avoidance and minimization measures for BUOW, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Evidence impact is potentially significant: The Project Action Area encompasses and is directly adjacent to BUOW nesting habitat. Noise, vegetation removal, movement of workers, and ground disturbance as a result of Project activities have the potential to significantly impact BUOW populations.

Recommended Potentially Feasible Avoidance and Minimization Measure(s)
To evaluate potential impacts to BUOW, CDFW recommends editing the MND to include the following measures specific to BUOW, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 9: Recommended Edits to BUOW Avoidance on Page 64 of MND. In the BUOW avoidance narrative in the MND, Caltrans indicates that "Pre-construction survey will be completed within suitable habitat to ensure no birds are nesting in or adjacent to the project footprint..." Further, Caltrans indicates that "If an active owl burrow is found, it will be avoided...if possible." 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)

CDFW recommends Caltrans incorporate the above listed no-disturbance buffers into the BUOW avoidance narrative in the MND and include the following mitigation measure if those buffers cannot be achieved.

Recommended Mitigation Measure 10: Recommended BUOW Passive Relocation and Mitigation. According to the aforementioned Staff Report (CDFG 2012), exclusion is considered a potentially significant impact under CEQA. If BUOW nests are found within the above listed no-disturbance buffers, 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 one burrow collapsed to one 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 5: Listed Plants

Issue: Special-status plant species have been documented in the vicinity of the Project Action Area (CDFW 2019). The Project site contains habitat that may support special-status plant species meeting the definition of rare or endangered under CEQA section 15380 including, but not limited to, the State endangered and federally threatened succulent owl's clover (*Castilleja campestris* ssp. *succulenta*) and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*); and the State and federally endangered hairy Orcutt grass (*Orcuttia pilosa*). The MND indicates that Caltrans will attempt to avoid impacts to these plant species by fencing and avoiding the populations. However, Caltrans also indicates that in the event these plants

occur within the Project Action Area and cannot be avoided, Caltrans will consult with the USFWS on “any adverse effects to the species”.

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities following Project approval include inability to reproduce and direct mortality.

Evidence impact would be significant: Special-status plant species known to occur in the vicinity of the Project Action Area are threatened by residential development, road maintenance, vehicles, grazing, trampling, and invasive, non-native plants (CNPS 2019).

Recommended Potentially Feasible Minimization and Mitigation Measure(s)
To evaluate potential impacts to special-status plant species associated with the Project, CDFW recommends conducting the following evaluation of the Project Action Area, editing the MND to include the following additional measures, and including the following mitigation measures as conditions of approval.

Recommended Mitigation Measure 11: Recommended Consultation with CDFW. In the MND, Caltrans indicates that if listed plants are found during pre-construction botanical surveys within the project footprint and can be avoided, they will be protected by fencing. Further, Caltrans indicates in the MND that if these plants cannot be avoided, Caltrans will initiate formal consultation with the USFWS. CDFW recommends that Caltrans edit this narrative in the MND to indicate that these plants will be avoided by a minimum of 25 feet, and that CDFW (not just the USFWS) will also be consulted in the event these plants species cannot be avoided.

Recommended Mitigation Measure 12: Recommended Special-Status Plant Survey Protocol. CDFW recommends that in addition to the proposed pre-construction botanical survey, Caltrans add a measure in the MND proposing protocol-level surveys implementing the “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities” (CDFW 2018) the season prior Project commencement. This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended Mitigation Measure 13: Recommended State-listed Plant Take Authorization. CDFW recommends that Caltrans include a mitigation measure in the MND indicating that if listed plants cannot be avoided during Project implementation, take authorization through the acquisition of State ITP would be obtained prior to Project-related ground disturbance.

II. Editorial Comments and/or Suggestions

Nesting Birds: CDFW encourages that Project implementation occur during the bird non-nesting 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 Action Area 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.

Project Action Area Discussion: In the MND, Caltrans defines the Project Action Area as “the area that may be directly, indirectly, temporarily, or permanently affected by construction and construction-related activities.” Further, Caltrans reports that the Project Action Area “includes the project footprint and a surrounding buffer between Avenue 15 and State Route 145 and is about 172.28 acres.” CDFW calculates that at a length of 2.9 miles, the 172.28-acre Project Action Area would have to measure approximately **490 feet wide**. Using drawings provided with the MND, CDFW estimates the Caltrans legal right-of-way measures about 130 feet wide along its length and while the utility relocation work will be conducted immediately outside the right-of-way (as depicted) it remains unclear why the Project Action Area is greater than 140 or 150 feet wide. CDFW recommends the Project Description provide additional details about the Project-related activities which require a 490-foot wide Project Action Area.

Analysis of Impacts to Vernal Pools: In the MND, Caltrans anticipates permanent and temporary impacts to as many as 77 hardpan and claypan vernal pools which occupy the Project Action Area. Caltrans anticipates **permanent** impacts as a result of clearing, grubbing, grading and the placement of fill material, and **temporary** impacts as a result of construction activities associated with utility relocation, construction staging, stockpile placement, vehicular and pedestrian traffic, and the installation of fencing. CDFW suggests that some of the later may actually result in **permanent** (not temporary) impacts to these vernal pools. Specifically, if the utility relocation work involves trenching/excavation which compromises the aquitard and the holding capacity/hydroperiod of these vernal pools, they may no longer function as vernal pools. Impacts to vernal pool systems at the Project Action Area could impact the downstream surface hydrology and above listed species which rely on those pools. CDFW suggests Caltrans provide a more detailed analysis of the impacts that trenching/excavation work will have on the vernal pool systems at and near the Project Action Area.

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 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 mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be 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).

CDFW appreciates the opportunity to comment on the Project to assist Caltrans in identifying and mitigating the Project's 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, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 254, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

Attachment: Recommended Mitigation Monitoring and Reporting Program

cc: United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

Regional Water Quality Control Board
Central Valley Region
1685 "E" Street
Fresno, California 93706-2020

United States Army Corps of Engineers
San Joaquin Valley Office
1325 "J" Street, Suite #1350
Sacramento, California 95814-2928

Literature Cited

- California Department of Fish and Wildlife (CDFW), 2015. California Tiger Salamander Technical Review – Habitat, Impacts and Conservation. California Department of Fish and Wildlife, October 2015.
- CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.
- CDFW. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife, March 2018.
- CDFW. 2019. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed August 2, 2019.
- California Native Plant Society (CNPS), Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed August 2, 2019].
- Searcy, C.A. and H.B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? *In* Research and Recovery in Vernal Pool Landscapes, D. G. Alexander and R. A. Schlising, Eds. California State University, Chico, California.
- Searcy, C.A., E. Gabbai-Saldade, and H.B. Shaffer. 2013. Microhabitat use and migration distance of an endangered grassland amphibian. *Biological Conservation* 158: 80-87.
- Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.
- USFWS. 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander, October 2003.
- USFWS. 2017. Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U. S. Fish and Wildlife Service, Region 8, Sacramento, California. June 2017.

Attachment 1

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

PROJECT: Ranchos Rehabilitation Project

SCH No.: 2020019068

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: CTS Take Minimization under ITP	
Mitigation Measure 2: CTS Mitigation under ITP	
Mitigation Measure 3: SWHA Survey	
Mitigation Measure 4: SWHA Avoidance	
Mitigation Measure 5: SWHA Take Authorization	
Mitigation Measure 6: TRBL Surveys	
Mitigation Measure 7: TRBL Avoidance	
Mitigation Measure 8: TRBL Take Authorization	
Mitigation Measure 9: BUOW Avoidance/Minimization	
Mitigation Measure 10: BUOW Passive Relocation and Mitigation	
Mitigation Measure 11: Listed Plant Avoidance	
Mitigation Measure 12: Listed Plant Avoidance	
Mitigation Measure 13: Listed Plant Take Authorization	
<i>During Construction</i>	
Mitigation Measure 1: CTS Take Minimization	
Mitigation Measure 4: SWHA Avoidance	
Mitigation Measure 7: TRBL Avoidance	
Mitigation Measure 9: BUOW Avoidance	
Mitigation Measure 10: BUOW Passive Relocation Mitigation	