



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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June 27, 2023

Abraham Prado, Interim Development Services Director
City of Hollister
339 Fifth Street
Hollister, California 95023
(831) 636-4360
abraham.prado@hollister.ca.gov

Subject: Hollister General Plan Update 2040, Climate Action Plan, and Sphere of Influence Amendments and Annexations Program Draft Environmental Impact Report (DEIR) Project (Project)
SCH No.: 2021040277

Dear Abraham Prado:

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

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

CDFW ROLE

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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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: City of Hollister

Objective: The existing General Plan for the City of Hollister (City) was adopted in 2005, with a horizon year of 2023. The City is now updating its plan to extend the planning period to 2040. The Hollister General Plan Update will build off the current General Plan and provide a framework for land use, transportation, and conservation decisions through the year 2040. The proposed General Plan will direct future growth within the EIR Study Area and address the City's vulnerability to environmental challenges such as earthquakes, wildland fires, and other hazards identified in the proposed Local Hazard Mitigation Plan and Climate Action Plan, which is to be completed concurrently with the General Plan Update. The General Plan is intended to respond to local and regional housing needs, foster economic growth and local job creation, enhance civic identity and placemaking, and protect sensitive natural resources. The proposed Climate Action Plan (CAP) will identify strategies and measures to reduce greenhouse gas emissions generated by existing and potential future uses in the City. The General Plan Update could potentially lead to Sphere of Influence amendments and annexations that would accommodate future housing sites and limited commercial development.

Location: City of Hollister, San Benito County.

Timeframe: 2040

COMMENTS AND RECOMMENDATIONS

Special-Status Species: Given the City-wide nature of the Project, there is the potential for the Project to impact State-listed species. Records from the California Natural Diversity Database (CNDDDB) show that the following special-status species, including CESA-listed species (CDFW 2023) could be impacted: the State endangered (SE) and federally endangered (FE) San Joaquin kit fox (*Vulpes macrotis mutica*), the federally threatened (FT) vernal pool fairy shrimp (*Branchinecta lynchi*), the FT and State threatened (ST) California tiger salamander-central population (*Ambystoma californiense*), the State candidate-listed endangered (SCE) Crotch bumblebee

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(*Bombus crotchii*), the ST Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), the FT and State species of special concern (SSC) California red-legged frog, the FT steelhead, south/central California coast (*Oncorhynchus mykiss irideus*), and the SSC burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondi*), Monterey hitch (*Lavinia exilicauda*), western pond turtle (*Emys marmorata*), American badger (*Taxidea taxus*), and San Joaquin coachwhip (*Masticophis flagellum ruddocki*), and the 1B.2 plant rank (plants rare, threatened, or endangered in California and elsewhere) San Joaquin spearscale (*Extriplex joaquinana*) and Hall's tarplant (*Deinandra halliana*). Along with the species listed above that have been observed within the Project limits, there was a 2021 sighting of the SE and FE California condor (*Gymnogyps californianus*) approximately two miles northeast of the proposed Project site near the John Smith Landfill, as well as a 2023 sighting of the fully protected (FP) golden eagle (*Aquila chrysaetos*) just north of the landfill site (CDFW 2023).

The primary purpose of a DEIR is to consider all the potential impacts associated with the suite of projects that would eventually tier from the EIR over time. As such, the DEIR should serve primarily as a planning level EIR and consider, in detail, the cumulative impacts of the reasonably foreseeable projects on the environment, and on the species CDFW has identified in this comment letter. CDFW recommends that habitat assessments be conducted in and surrounding all locations for planned work/ground disturbance in the DEIR and identify all the potential plant, animal, invertebrate, and fish species that could be present. Then, for those species, CDFW recommends a robust analysis of cumulative impacts for each of those species along with avoidance, minimization, and mitigation measures that could be implemented on each project to reduce harm. For many species, subsequent protocol level surveys may be required during biological studies conducted in support of the future CEQA documents that will be tiered from the Final EIR and, depending on the results, avoidance and minimization measures, permits, and mitigation may be required.

CDFW recommends that survey-level protocols be conducted for these species as part of the biological technical studies prepared in support of each future CEQA document tiered from the Final EIR, with conclusions of those studies summarized therein and repeated as necessary prior to Project ground-disturbing activities. For all future projects tiered from the EIR, CDFW recommends that focused surveys be conducted by qualified biologists familiar with the appropriate survey protocols per individual species. In the future CEQA documents tiered from the EIR, CDFW advises that special status species be addressed with appropriate avoidance and minimization measures. If take could occur as a result of Project implementation, consultation with CDFW would be warranted.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts

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are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA and we recommend that the City reach out to CDFW to discuss various methodologies and strategies for an analysis of this type for CDFW trustee agency resources.

CNDDB: Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project area.

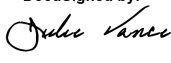
Lake and Stream Alteration: The Projects that tier from the EIR may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert 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 as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

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, the San Joaquin kit fox, the vernal pool fairy shrimp, the California tiger salamander, the California red-legged frog, and the 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.

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CDFW is available to meet with you ahead of Final EIR preparation to discuss potential impacts and possible mitigation measures for some or all of the resources that were or should be analyzed in the EIR. If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3194, or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

cc: United States Fish and Wildlife Service
Patricia Cole; patricia_cole@fws.gov

State Clearinghouse, Governor's Office of Planning and Research
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LITERATURE CITED

California Department of Fish and Wildlife. 2023. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed May 17, 2023.