



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

September 9, 2021

**September 10 2021**

**STATE CLEARINGHOUSE**

Ms. Amy Kreimeier  
City of Fairfield  
1000 Webster Street, 2<sup>nd</sup> Floor  
Fairfield, CA 94533  
[akreimeier@fairfield.ca.gov](mailto:akreimeier@fairfield.ca.gov)

Subject: Fairfield Forward 2050: City of Fairfield General Plan Update, Housing Element Update, and Climate Action Plan, Notice of Preparation of a Draft Program Environmental Impact Report, SCH No. 2021080289, City of Fairfield, Solano County

Dear Ms. Kreimeier:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Program Environmental Impact Report (EIR) from the City of Fairfield (City) for the Fairfield Forward 2050: City of Fairfield General Plan Update, Housing Element Update, and Climate Action Plan (Project).

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit, a Native Plant Protection Act (NPPA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

**PROJECT DESCRIPTION AND LOCATION**

The Project is the update of the City's General Plan, including the associated Housing Element, and the creation of a Climate Action Plan. These guiding documents will identify the City's approach to transportation, development, environmental quality, and reduction of greenhouse gas emissions. The Project is located in the City of Fairfield and the surrounding areas known as the City's Sphere of Influence. In addition, the Project includes the unincorporated areas of Suisun Valley and Green Valley, and the Suisun Marsh Protection Plan area. The Project area is 278 square miles (177,920 acres), the majority of which is the Suisun Marsh Protection Plan area at 225 square miles (144,000 acres).

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The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description, as applicable:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

The NOP identifies that the draft EIR will be a program EIR. While program EIRs have a necessarily broad scope, CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated *Appendix N Checklist*, and consistent with other program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the draft EIR. Future analysis should include all special-status species and sensitive habitat including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.

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When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a “within the scope” of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the draft EIR, including page and section references, containing the analysis of the subsequent Project activities’ significant effects and indicate whether it incorporates all applicable mitigation measures from the draft EIR.

## **REGULATORY REQUIREMENTS**

### ***California Endangered Species Act and Native Plant Protection Act***

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take<sup>1</sup> of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. The Project is within potential upland and breeding habitat of the California tiger salamander (*Ambystoma californiense*), a CESA listed as threatened species; the Central California Distinct Population Segment is listed as threatened pursuant to the federal Endangered Species Act (ESA). Ground disturbing activities have the potential for take of California tiger salamander. In addition, tricolored blackbird (*Agelaius tricolor*) and Swainson’s hawk (*Buteo swainsoni*), both CESA listed as threatened species, are known to nest in and near the Project area. Noise-generating or vegetation-disturbing activities could result in take of nesting tricolored blackbirds or Swainson’s hawks. Plant species such as soft salty bird’s-beak (*Chloropyron molle* ssp. *molle*), NPPA listed as rare and ESA listed as endangered, may also occur in or near the Project and ground-disturbing activities could result in take of individuals. If the Project will impact CESA or NPPA listed species, including but not limited to California tiger salamander, Swainson’s hawk, tricolored blackbird, and soft salty bird’s-beak, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC).

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<sup>1</sup> Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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The Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

### ***Lake and Streambed Alteration***

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also subject to notification. CDFW, as a responsible agency under CEQA, will consider the draft EIR for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as the responsible agency.

### ***Nesting Birds***

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Fully Protected birds such as white-tailed kite (*Elanus leucurus*), California Ridgway's rail (*Rallus obsoletus obsoletus*), and California black rail (*Laterallus jamaicensis coturniculus*), may not be taken or possessed at any time (Fish & G. Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

## **ENVIRONMENTAL SETTING**

The draft EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the draft EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The draft EIR should describe aquatic habitats, such as wetlands, vernal pools, and/or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>). Fully protected, threatened or endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project area, include but are not

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limited to, those listed in the table below.

### **Special-Status Species**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Status</b>
<i>Agelaius tricolor</i>	tricolored blackbird	CESA listed as threatened
<i>Ambystoma californiense</i>	California tiger salamander	CESA listed as threatened; Central California Distinct Population Segment (DPS) ESA listed as threatened
<i>Buteo swainsoni</i>	Swainson's hawk	CESA listed as threatened
<i>Chloropyron molle</i> ssp. <i>molle</i>	soft salty bird's-beak	NPPA listed as rare; ESA listed as endangered; California Rare Plant Rank (CRPR) <sup>2</sup> 1B.2
<i>Hypomesus transpacificus</i>	Delta smelt	CESA listed as endangered; ESA listed threatened
<i>Acipenser medirostris</i>	Green sturgeon	California Species of Special Concern (SSC); Southern DPS ESA listed as threatened.
<i>Lilaeopsis masonii</i>	Mason's lilaeopsis	NPPA listed as rare; CRPR 1B.1
<i>Neostaphia colusana</i>	Colusa grass	CESA listed as endangered; ESA listed as threatened; CRPR 1B.1
<i>Oncorhynchus tshawytscha</i>	Central Valley fall/late fall-run chinook salmon	SSC
<i>Orcuttia inaequalis</i>	San Joaquin Valley Orcutt grass	CESA listed as endangered; ESA listed as threatened; CRPR 1B.1
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail	CESA and ESA listed as endangered; California Fully Protected species
<i>Laterallus jamaicensis coturniculus</i>	California black rail	CESA listed as threatened; California Fully Protected species
<i>Reithrodontomys raviventris</i>	salt-marsh harvest mouse	CESA and ESA listed as endangered; California Fully Protected species

<sup>2</sup> CRPR rank definitions are available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

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Scientific Name	Common Name	Status
<i>Rana boylei</i>	foothill yellow-legged frog, northwest/north coast clade	SSC
<i>Spirinchus thaleichthys</i>	longfin smelt	CESA listed as threatened; candidate for ESA listing
<i>Tuctoria mucronata</i>	Crampton's tuctoria or Solano grass	CESA and ESA listed as endangered; CRPR 1B.1
<i>Ammodramus savannarum</i>	grasshopper sparrow	SSC
<i>Aquila chrysaetos</i>	golden eagle	California Fully Protected species; Bald and Golden Eagle Protection Act
<i>Asio flammeus</i>	short-eared owl	SSC
<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	CRPR 1B.2
<i>Athene cunicularia</i>	burrowing owl	SSC
<i>Atriplex cordulata</i> var. <i>cordulata</i>	heartscale	CRPR 1B.2
<i>Atriplex depressa</i>	brittlescale	CRPR 1B.2
<i>Atriplex persistens</i>	vernal pool smallscale	CRPR 1B.2
<i>Balsamorhiza macrolepis</i>	big-scale balsamroot	CRPR 1B.2
<i>Bombus crotchii</i>	Crotch bumble bee	California Terrestrial and Vernal Pool Invertebrate of Conservation Priority (ICP) <sup>3</sup>
<i>Bombus occidentalis</i>	western bumble bee	ICP
<i>Branchinecta conservatio</i>	Conservancy fairy shrimp	ESA listed as endangered; ICP
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	ESA listed as threatened; ICP

<sup>3</sup> The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

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Scientific Name	Common Name	Status
<i>Brodiaea leptandra</i>	narrow-anthered brodiaea	CRPR 1B.2
<i>Buteo regalis</i>	ferruginous hawk	CDFW Watch List
<i>Carex lyngbyei</i>	Lyngbye's sedge	CRPR 2B.2
<i>Ceanothus purpureus</i>	holly-leaved ceanothus	CRPR 1B.2
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon's tarplant	CRPR 1B.1
<i>Centromadia parryi</i> ssp. <i>parryi</i>	pappose tarplant	CRPR 1B.2
<i>Chloropyron molle</i> ssp. <i>hispidum</i>	hispid salty bird's-beak	CRPR 1B.1
<i>Cicuta maculata</i> var. <i>bolanderi</i>	Bolander's water-hemlock	CRPR 2B.1
<i>Circus hudsonius</i>	northern harrier	SSC
<i>Cirsium hydrophilum</i> var. <i>hydrophilum</i>	Suisun thistle	CRPR 1B.1
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC
<i>Coturnicops noveboracensis</i>	yellow rail	SSC
<i>Danaus plexippus</i> pop. 1	monarch - California overwintering population	ESA candidate for listing; ICP
<i>Delphinium recurvatum</i>	recurved larkspur	CRPR 1B.2
<i>Desmocercus californicus dimorphus</i>	valley elderberry longhorn beetle	ESA listed as threatened; ICP
<i>Downingia pusilla</i>	dwarf downingia	CRPR 2B.2
<i>Dumontia oregonensis</i>	hairy water flea	ICP
<i>Elanus leucurus</i>	white-tailed kite	California Fully Protected species

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Scientific Name	Common Name	Status
<i>Elaphrus viridis</i>	Delta green ground beetle	ESA listed as threatened; ICP
<i>Emys marmorata</i>	western pond turtle	SSC
<i>Erigeron greenei</i>	Greene's narrow-leaved daisy	CRPR 1B.2
<i>Eriogonum truncatum</i>	Mt. Diablo buckwheat	CRPR 1B.1
<i>Eryngium jepsonii</i>	Jepson's coyote-thistle	CRPR 1B.2
<i>Extriplex joaquinana</i>	San Joaquin spearscale	CRPR 1B.2
<i>Fritillaria pluriflora</i>	adobe-lily	CRPR 1B.2
<i>Geothlypis trichas sinuosa</i>	saltmarsh common yellowthroat	SSC
<i>Hesperolinon breweri</i>	Brewer's western flax	CRPR 1B.2
<i>Isocoma arguta</i>	Carquinez goldenbush	CRPR 1B.1
<i>Lasiurus blossevillii</i>	western red bat	SSC
<i>Lasthenia conjugens</i>	Contra Costa goldfields	ESA listed as endangered; CRPR 1B.1
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Coulter's goldfields	CRPR 1B.1
<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>	Delta tule pea	CRPR 1B.2
<i>Legenere limosa</i>	legenere	CRPR 1B.1
<i>Lepidurus packardi</i>	vernal pool tadpole shrimp	ESA listed as endangered; ICP
<i>Leptosiphon jepsonii</i>	Jepson's leptosiphon	CRPR 1B.2
<i>Melospiza melodia maxillaris</i>	Suisun song sparrow	SSC
<i>Microseris paludosa</i>	marsh microseris	CRPR 1B.2



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Scientific Name	Common Name	Status
<i>Navarretia leucocephala</i> ssp. <i>bakeri</i>	Baker's navarretia	CRPR 1B.1
<i>Plagiobothrys hystriculus</i>	bearded popcornflower	CRPR 1B.1
<i>Pogonichthys</i> <i>macrolepidotus</i>	Sacramento splittail	SSC
<i>Puccinellia simplex</i>	California alkali grass	CRPR 1B.2
<i>Rana draytonii</i>	California red-legged frog	ESA listed as threatened; SSC
<i>Saldula usingeri</i>	Wilbur Springs shorebug	ICP
<i>Sorex ornatus sinuosus</i>	Suisun shrew	SSC
<i>Spergularia macrotheca</i> var. <i>longistyla</i>	long-styled sand- spurrey	CRPR 1B.2
<i>Speyeria callippe callippe</i>	callippe silverspot butterfly	ESA listed as endangered; ICP
<i>Stuckenia filiformis</i> ssp. <i>alpina</i>	northern slender pondweed	CRPR 2B.2
<i>Symphyotrichum lentum</i>	Suisun Marsh aster	CRPR 1B.2
<i>Taxidea taxus</i>	American badger	SSC
<i>Trichostema ruygtii</i>	Napa bluecurls	CRPR 1B.2
<i>Trifolium amoenum</i>	two-fork clover	CRPR 1B.1
<i>Trifolium hydrophilum</i>	saline clover	CRPR 1B.2
<i>Viburnum ellipticum</i>	oval-leaved viburnum	CRPR 2B.3

Habitat descriptions and the potential for species occurrence should include information from multiple sources, such as aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; findings from positive occurrence databases such as the California Natural Diversity Database (CNDDDB); and

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biological resource information from the draft Solano Habitat Conservation Plan. Based on the data and information from the habitat assessment, the draft EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. More than one year of surveys may be necessary given environmental conditions. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements (<https://wildlife.ca.gov/Conservation/Plants>).

## **IMPACT ANALYSIS AND MITIGATION MEASURES**

The draft EIR should discuss all direct and indirect impacts (temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the Project (CEQA Guidelines, §§ 15126, 15126.2, & 15358). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, drainage ditches, wetlands, or other sensitive areas.
- Potential for impacts to special-status species or sensitive natural communities.
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks).
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence.
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The draft EIR should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's

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contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be less-than-significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species, should be considered cumulatively considerable.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. The City should also review the draft Solano Habitat Conservation Plan avoidance, minimization, and mitigation measures to inform and guide the Project impacts and measures. Project-specific measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

Fully protected species such as white-tailed kite, California Ridgway's rail, California black rail, and salt-marsh harvest mouse (*Reithrodontomys raviventris*), may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to ensure complete avoidance of these species.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in EIRs 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 online field survey form and other methods for submitting data can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 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.

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If you have any questions, please contact Amanda Culpepper, Environmental Scientist, at [amanda.culpepper@wildlife.ca.gov](mailto:amanda.culpepper@wildlife.ca.gov), or Melanie Day, Senior Environmental Scientist (Supervisory), at [melanie.day@wildlife.ca.gov](mailto:melanie.day@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Stephanie Fong  
Acting Regional Manager  
Bay Delta Region

ec: State Clearinghouse (SCH No. 2021080289)  
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