



**STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY**

Gavin Newsom, Governor

**DEPARTMENT OF FISH AND WILDLIFE**

Charlton H. Bonham, Director

Central Region

1234 East Shaw Avenue | Fresno, California 93710 | (559) 243-4005

August 14, 2023

Tiffany Ho, Deputy Director of Planning  
Merced County Community and Economic Development Department  
2222 M Street  
Merced, California 93540  
tiffany.ho@countyofmerced.com

Governor's Office of Planning & Research

**Subject: Vierra Dairy Expansion Project (Project)  
Conditional Use Permit No. CUP20-009  
Draft Environmental Impact Report (DEIR)  
State Clearinghouse No. 2021100002**

**Aug 14 2023**  
**STATE CLEARINGHOUSE**

Dear Tiffany Ho:

The California Department of Fish and Wildlife (CDFW) received a DEIR from Merced County Community and Economic Development Department for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA 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 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.

After reviewing the provided CEQA document, CDFW has determined that the mitigation measures as currently documented in the DEIR are sufficient for mitigation of impacts to listed species. Please keep in mind that not observing CDFW's recommended no-disturbance buffers during the bird nesting season could result in inadvertent take of listed species under the California Endangered Species Act (CESA) should an Incidental Take Permit (ITP) for those species not be acquired. Should listed species be detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire

<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.

Merced County Community and Economic Development Department  
Tiffany Ho, Deputy Director of Planning  
Page 2

an ITP, pursuant to Fish and Game Code Section, 2081 subdivision (b), prior to any ground disturbing activities.

## 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](mailto: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 Merced County Community and Economic Development Department 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, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...  
Julie A. Vance  
Regional Manager