



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

Apr 13 2022

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STATE CLEARINGHOUSE

Steve Haigler, VP Admin Services
Monterey Peninsula Community College District
980 Fremont Street
Monterey, California 93940

**Subject: Public Safety Training Center on the Former Fort Ord (Project)
Notice of Preparation (NOP)
State Clearinghouse No.: 2022030467**

Dear Mr. Haigler:

The California Department of Fish and Wildlife (CDFW) received a NOP from the Monterey Peninsula Community College District 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, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through exercise of our own regulatory authority under the Fish and Game Code.

Due to the limited Project information provided, the following comments do not represent all of our concerns; more specific comments can be provided once CDFW has had the opportunity to review the Draft Environmental Impact Report that will be prepared for this Project. Our comments follow.

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.

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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(a)). CDFW, in the 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.

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, 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).

PROJECT DESCRIPTION SUMMARY

Proponent: Monterey Peninsula Community College District

Objective: The Project is a new satellite community college campus that would provide comprehensive training facilities for first responders. The proposed Project would enable Monterey Peninsula College to meet the basic training needs of students entering law enforcement, fire technology or emergency responder careers, as well as provide a venue for the ongoing training needs of thousands of professionals already working in these fields in the central California coast region.

Location: The Project site is located south of Impossible Canyon Road at the former Fort Ord in unincorporated Monterey County, approximately five miles east and southwest of the City of Seaside and the City of Salinas, respectively.

Timeframe: N/A.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Monterey Peninsula Community College District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the environmental document for this Project.

Special Status Species: Based on past survey efforts on the former Fort Ord, aerial imagery, and species occurrence records from the California Natural Diversity Database (CNDDDB), the Project site is known to and/or has high potential to support numerous special-status species, including CESA-listed species (CDFW 2022). Specifically, CDFW is concerned about potential impacts to the State and federally threatened California tiger salamander (CTS; *Ambystoma californiense*), the State threatened, federally endangered, and California Rare Plant Ranked (CRPR) 1B.2 Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), and the State endangered and CRPR 1B.1 seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*). Therefore, CDFW recommends the subsequent Environmental Impact Report address these special status species and provide suitable mitigation measures.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, CTS and Monterey gilia. 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.

Editorial Comments and/or Suggestions

Nesting Birds: CDFW encourages implementation of ground disturbing projects during the bird non-nesting season. However, if ground-disturbing activities must occur during the breeding season (i.e., February through mid-September), CDFW recommends an appropriate no-disturbance buffer be implemented around active nests. The Project's 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.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make

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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 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 emailed 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 will impact fish and/or wildlife, an 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). With this cursory review, CDFW anticipates that the Project will require the payment of fees.

CDFW appreciates the opportunity to comment on the Project to assist the Monterey Peninsula Community College District 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>).

Previous surveys conducted for special-status species are outdated and cannot be used to establish baseline. This is predominantly true for special-status plant species that are known to occur within and adjacent to the Project site. Therefore, it is particularly important that plant surveys be conducted in all areas of potentially suitable habitat, be floristic in nature, utilize a reference site for the species included in this letter, and be conducted throughout the season that the plants may be present and identifiable. The results of the surveys can then be used to inform the baseline and provide data to identify quantifiable and enforceable mitigation, minimization, and avoidance measures. Note that if special-status plant species are detected during the above referenced protocol surveys, the CEQA document prepared for the Project is advised to provide a thorough discussion of the cumulative impacts and how the Project intends to mitigate for any direct and indirect impacts to special-status plant species, particularly Monterey gilia and seaside bird's-beak.

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Should you have questions regarding this letter or for further coordination please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by email at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Bob Stafford
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REFERENCES

CDFW. 2022. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>.