



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

July 17, 2023

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STATE CLEARINGHOUSE

Victor Hernandez
Kings County Community Development Agency
1400 W. Lacey Blvd., Building #6
Hanford, California 93230
Victor.hernandez@co.kings.ca.us

**Subject: Tentative Tract No. 936 (Summers Pointe) (Project)
Revised Draft Environmental Impact Report (DEIR)
SCH No. 2022080449**

Dear Victor Hernandez:

The California Department of Fish and Wildlife (CDFW) received a revised Draft Environmental Impact Report (DEIR) from the Kings County Community Development Agency 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

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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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.

PROJECT DESCRIPTION SUMMARY

Proponent: Aspire Homes CA, Inc.

Objective: The Project proposes to divide two existing parcels totaling approximately 20 acres into 109 single-family residential lots in the County of Kings, within the community of Armona. The Project site's existing and proposed zoning is R-1-6, Single-Family Residential. The project will be divided into two phases and will enter into a density bonus agreement, which will include at least 10 below-market-rate houses. The 109 single family homes will have an average lot size of 5,094 square feet. Additionally, three outlots will be created to be used as a stormwater basin, park, and community well site, as well as a designated reminder around an existing home on approximately one acre. The Project would result in onsite and offsite infrastructure improvements including new and relocated utilities, new residential streets, and the continuation and improvement of Crocus Way. The Project would require no demolition as the site is currently on agricultural land, and the existing home on site will remain.

Location: The proposed project site is located within the County of Kings within the Armona Community Plan, South of West Lacy Boulevard, North of Front Street, and East of 14th Avenue. The site is approximately 0.3 mile Northwest of Armona downtown, and approximately 3 miles East of Hanford Downtown. The Project involves construction on approximately 20.08 acres on Parcels 017-100-012 and 017-100-013. The site is topographically flat and is bounded by agricultural uses to the North, East, and West and single-family residential development to the South.

Timeframe: n/a

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COMMENTS AND RECOMMENDATIONS

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 concurs with the biological resources related analyses and measures proposed in the revised DEIR and recommends that all such measures in the revised DEIR be carried forward into the final EIR. CDFW has determined that the biological resource mitigation measures as currently documented in the revised DEIR are sufficient for mitigation of potential project related impacts to listed species. Please note that implementation of certain mitigation measures such as the relocation of listed species would constitute take of listed species under the California Endangered Species Act (CESA), and erecting exclusion fencing could also result in take of listed species under CESA. Such take of any species listed under CESA would be unauthorized if an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b) was not acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take (including capture related to salvage and relocation) cannot be avoided.

If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Jaime.Marquez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

37BF80A1646F41C...
Gerald Hatler for Julie A. Vance
Regional Manager

ec: State Clearinghouse
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