

APPENDIX F

CDFW's 2022 FISHERIES RESTORATION GRANT PROGRAM MITIGATED NEGATIVE DECLARATION COMMENT RESPONSE

Comment from: Trout Unlimited

Date received: November 3, 2022

Received by: E-mail

Comment is as follows: The biggest concern we have is related to the Foothill Yellow-Legged Frogs (FYLF), page B-20. There is no distinction made between the clades or distinct populations of FYLF. As it is written, all sites where FYLF are present would require authorized biologists to monitor and handle this species. It's been our understanding that the USFWS excluded two of the DPSs of FYLF in its proposal for listing: the North Coast DPS and the North Sierra DPS. In March 2020, the CA Fish and Game Commission also determined that the Northwest/North Coast clade is "not under any threat of extinction in the near future." Additionally, in March 2021, we were told by CDFW LSAA staff that the general measures for protection of western pond turtles, salamanders and frogs would apply for FYLF in the Northwest/North Coast Clade. This discrepancy is our primary concern.

The rest of our comments are not insignificant but may be resolved through direction communication between FRGP and Grantees when they are securing their 1600 agreements.

We noticed that the MND states that "none of the 27 proposed projects under FRGP occur within the range of the Northern Spotted Owl (page B-24)." This is not accurate; however, this may be less of a concern since the MND does include protection measures for NSO. Two of the proposals submitted by TU are within the range of NSO and have a history of activity. We also included this information in our proposals. We do plan on following the avoidance and minimization measures required for NSO, so we don't believe this will impact our ability to complete those projects if awarded funds.

We questioned some of the sites listed under the section for Tidewater Goby (B-27). Again, not a huge issue, but there were a few sites that don't meet the goby's habitat requirements or salinity needs, nor do they overlap with species range maps developed by USFWS.

Finally, we feel the section on Pacific Lamprey (B-29) could be revised to be more clear and therefore more effective at protecting the species. We would like to recommend that CDFW review the 3 documents referenced in this section and pull out the specific protection measures that need to be followed (like the other species listed in Appendix B) so the requirements are clear to grantees and their subcontractors.

CDFW response is as follows: Thank you for making those comments. Grant Managers caught the NSO and FYLF issues and we planned on having the GMs work with each Grantee appropriately. Based on your comments below, we are going to update the Appendix B in the MND before we adopt it. Changes to Appendix B are depicted using strikethrough for deletions and double underline for additions. Being that it is not a substantial change we do not have to re-circulate the MND. The updated MND will include the IPAC species list, which were left off as an oversight and will address the NSO and TWG

concerns. We will clarify the that only endangered FYLF species require the AMMs. Regarding lamprey, we will include those changes in the 2023 MND. I appreciate you taking the time to read the MND.