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February 14, 2023

Governor's Office of Planning & Research

FEB 14 2023

STATE CLEARING HOUSE

Joseph Draper
Fresno Metropolitan Flood Control District
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Subject: Drainage Area “DR” Master Plan Amendment Fresno Metropolitan Flood Control District Project (Project) Early Consultation (CON) State Clearinghouse No: 2023010235

Dear Joseph Draper:

The California Department of Fish and Wildlife (CDFW) received a request for early consultation from the Fresno Metropolitan Flood Control 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, 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,

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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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, their 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).

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on Project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

Lake and Streambed Alteration: CDFW has regulatory authority over certain activities affecting rivers, streams and lakes, pursuant to Fish and Game Code section 1600 *et seq.* If the Project would substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or dispose of debris, waste, sediment, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, notification to CDFW is required.

PROJECT DESCRIPTION SUMMARY

Proponent: Fresno Metropolitan Flood Control District

Objective: The proposed Drainage Area "DR" Master Plan Amendment location is identified as part of the Northeast Urban Center of the 2014 City of Clovis General Plan.

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In 2019, 1,035 acres of the Northeast Urban Center was incorporated into the City of Clovis' sphere of influence. To accommodate future urban drainage, the proposed Master Plan for the "DR" will include the adoption of a 597.1-acre drainage area and a 25-acre stormwater basin. The Master Plan will also include the construction of storm drainage infrastructure, including approximately 22,194 feet of stormwater pipelines, inlets, manholes, and appurtenant facilities. Additionally, this area is upstream of both the Alluvial Drain and Pup Creek Basins, and as a result, Basin "DR" will be designed to facilitate the flood control and routing of a major storm, such as the 200-year, 30-day Corps model event used for the Redbank and Fancher Creek Projects, and maintain the current downstream projection level of the rural stream flows to prevent urban flooding.

Location:

The Drainage Area "DR" Master Plan Amendment is in the northeast area of the City of Clovis and is generally bounded by State Route (SR) 168 and Shepherd Avenue on the north, the Nees Avenue alignment on the south, and is irregularly defined on the east.

The proposed Project area includes orchards, disturbed grassland, and an un-named jurisdictional waterway that appears to be at least partially within Project limits and contains large, ponded areas per Google aeriels (2023). In addition, Dog Creek flows through a portion of acreage that is just south/southeast of the proposed Project, the Friant-Kern Canal is just east of the Project, and Dry Creek is just north, across SR 168/Tollhouse Road.

Timeframe: N/A

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Fresno Metropolitan Flood Control 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 document.

There are special-status resources that may utilize the Project site and/or surrounding area, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the Federally and State threatened (FT/ST) California tiger salamander (*Ambystoma californiense*), the ST tri-colored blackbird (*Agelaius tricolor*), and the State Species of Special Concern (SSC) American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), western pond

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turtle (*Actinemys marmorata*), and the western spadefoot (*Spea hammondi*), the FT and State endangered (SE) succulent owl's clover (*Castilleja campestris var. succulenta*), and the FT vernal pool fairy shrimp (*Branchinecta lynchi*).

In addition, per CNDDDB 2023 records, there was a population of the State rare (SR) and Federally endangered (FE) Green's tuctoria (*Tuctoria greenei*) in the southwest portion of the proposed Project site in 1987. While it is listed as extirpated, the Project area is in the range of this species and CDFW recommends that it be included in biological surveys.

California Tiger Salamander (CTS)

CTS have been documented in the proposed Project vicinity (CDFW 2023). Review of aerial imagery indicates the presence of ponded features within and adjacent to the Project limits, as well as grassland habitat and disturbed grassland within and adjacent to the Project that have the potential to support breeding CTS. In addition, the Project area or its immediate surroundings may support small mammal burrows, a requisite upland habitat feature for CTS.

Per Project information, there will be ground- and vegetation-disturbing activities associated with Project activities. These activities could potentially result in the collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals. In addition, depending on the design of any activity, the Project has the potential to result in the creation of barriers to dispersal. Given the presence of suitable habitat potentially within, and adjacent to the Project site, ground-disturbing activities have the potential to significantly impact local populations of CTS.

CDFW recommends that a qualified biologist conduct protocol-level surveys for CTS as part of the biological technical studies conducted in support of the CEQA document and in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

If CTS protocol-level surveys as described above are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal

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burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland/pond breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals. Alternatively, the applicant can assume presence of CTS within the Project site and obtain from CDFW an ITP in accordance with Fish and Game Code section 2081 subdivision (b).

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided take authorization would be warranted prior to initiating ground-disturbing activities to comply with CESA. Take authorization would occur through the acquisition of an ITP issued by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b). As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

Tri-colored Blackbird (TRBL)

A TRBL occurrence was documented near the Project site (CDFW 2023). Per CNDDDB records (2023), there was an occurrence of TRBL observed just northeast of the Project site, across Tollhouse Road near Dry Creek and the Friant-Kern Canal. TRBL colonies require suitable nesting habitat, nearby freshwater, and nearby foraging habitat including semi-natural grasslands, agricultural croplands or alkali scrub (Beedy et al. 2017). Habitat surrounding the Project area may provide suitable foraging habitat for TRBL and the ponded areas possibly within or just south of the Project site may be suitable nesting habitat.

CDFW recommends that Project activities be timed to avoid the normal bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, CDFW recommends that a qualified wildlife biologist conduct a habitat assessment and protocol survey for nesting TRBL as part of the biological technical studies conducted in support of the CEQA document to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts. If potential habitat is identified, CDFW also recommends that surveys for nesting TRBL be repeated no more than 10 days prior to the start of Project implementation.

If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agriculture Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have

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fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, a previously identified colony should be reassessed to determine the extent of the breeding colony within 10 days of Project initiation.

In the event that a TRBL nesting colony is 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 an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.

American Badger (AMBA)

There is suitable grassland habitat for AMBA in and adjacent to the Project vicinity (CDFW 2023). Badgers occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e. ground squirrels, pocket gophers, etc.) (Zeiner et. al 1990). The Project area has the potential to impact AMBA.

Habitat loss is a primary threat to AMBA (Gittleman et al. 2001) and the CEQA document should discuss loss of suitable AMBA habitat. Per the proposed Project information, there will be an adoption of a 597.1-acre drainage area and a 25-acre stormwater basin. The Master Plan will also include the construction of storm drainage infrastructure, including approximately 22,194 feet of stormwater pipelines, inlets, manholes, and appurtenant facilities. This could result in habitat fragmentation and ground-disturbing activities that have the potential to significantly impact local populations of AMBA.

CDFW recommends that a qualified biologist conduct focused surveys for AMBA as part of the biological technical studies conducted in support of the CEQA document as well as an analysis of both direct and indirect impacts to AMBA and their habitat. Regardless of the results of the initial survey effort, CDFW recommends repeating the focused surveys 10 days prior to Project initiation.

Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around potential or occupied AMBA dens until it is determined through non-invasive means that individuals occupying the den have dispersed or the den is unoccupied.

Burrowing Owl (BUOW)

BUOW have the potential to be present within and/or adjacent to the Project site (CNDDDB 2023). BUOW inhabit open grassland or adjacent canal banks, rights of way, vacant lots, and any other habitat containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Review of aerial imagery shows that the

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Project site and adjacent areas contain disturbed grassland, and the Friant-Kern Canal is located just east of the Project site. Potentially significant direct impacts associated with subsequent ground disturbing construction activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys for BUOW as part of the biological technical studies conducted in support of the CEQA document and then repeat the focused surveys, regardless of the initial results, 10 days prior to Project initiation. Surveys would follow the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted;

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thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

Western Pond Turtle (WPT)

WPT have been observed west of the Project area per CNDDDB records (2023). In addition, the jurisdictional stream that is within and adjacent to the Project limits, per aerial imagery, appears to contain ponded areas, which are preferred habitat for WPT. WPT are known to nest in the spring or early summer within 100 meters (approximately 0.06-mile) of a water body, although nest sites as far away as 500 meters (approximately 0.31-mile) have also been reported (Thomson et al. 2016).

CDFW recommends that a qualified biologist conduct focused surveys for WPT as part of the biological technical studies conducted in support of the CEQA document and then repeat those surveys, regardless of results, 10 days prior to Project initiation. CDFW recommends the CEQA document include an analysis of WPT that includes the Project's direct and indirect impacts on WPT and the potential loss of habitat that may result from Project implementation. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched. If any WPT are discovered at the site during biological technical studies or immediately prior to or during Project activities, CDFW recommends they be allowed to move out of the area on their own. Alternatively, a qualified biologist with appropriate take authorization can move them out of harm's way and to a suitable location.

Western Spadefoot (WESP)

WESP have been observed in the Project vicinity, approximately 2-miles to the southeast (CNDDDB 2023). The Project area is within the WESP range. Without appropriate avoidance and minimization measures for WESP, potentially significant impacts associated with ground disturbance include the collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to western spadefoot (Thomson et al. 2016). The Project area appears to contain suitable upland habitat (i.e., grasslands interspersed with burrows) and breeding habitat (i.e., ponds and the seasonal creeks listed previously). As a result, ground-disturbing activities associated with development/enlargement of the Project site have the potential to significantly impact local populations of this species.

CDFW recommends that a qualified biologist conduct focused surveys for WESP as part of the biological technical studies conducted in support of the CEQA document and

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then repeat the focused surveys, regardless of the initial results, ten days prior to Project implementation.

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If WESP are observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease and individuals be allowed to leave the Project site on their own accord. Alternatively, a qualified biologist with appropriate take authorization can move them out of harm's way and to a suitable location.

Special-Status Plants (SSP)

The succulent owl's clover, a special status plant meeting the definition of rare or endangered under CEQA section 15380 and listed as State endangered under CESA, has been observed within and in the vicinity of the Project area (CNDDDB, 2023).

Without appropriate floristic botanical surveys and avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction may include take in the form of direct mortality or indirectly through habitat modification.

CDFW recommends that the Project site be surveyed for special-status plants including succulent owl's clover and Green's tuctoria by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary. CDFW recommends that these botanical surveys be particularly focused on succulent owl's clover and Green's tuctoria although a full inventory of all plant species within the Project area should be obtained. CDFW recommends surveys be conducted as part of the biological technical studies conducted in support of the CEQA document and results, along with an analysis of impacts to all special status plant species, included in the CEQA document.

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

If a plant species listed pursuant to CESA is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take

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cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

II. Editorial Comments and/or Suggestions

Nesting birds: CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project 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.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct a habitat assessment and analysis of impacts to nesting birds as part of the biological technical studies conducted in support of the CEQA document. Pre-activity surveys for active nests, should be conducted regardless of the initial results, no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project sites to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, the California tiger salamander and the vernal pool fairy shrimp. 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.

Lake and Streambed Alteration: Per aerial imagery, an unnamed creek flows through the Project site. Any ground-disturbing activities that have the potential to impact this stream may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

Waters of the State and U.S.: Pursuant to Fish and Game Code section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize watercourses in the Project area include the following: increased sediment input from road or structure runoff; construction-related activity runoff associated with Project-related activities and implementation; and/or impairment of wildlife movement through the area. The Regional Water Quality Control Board and United States Army Corps of Engineers (USACE) also have jurisdiction regarding discharge and pollution to Waters of the State.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the project's CEQA document be used to develop and modify the project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources should be mitigated to reduce impacts to a less than significant level, if feasible.

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Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e. less than significant). Cumulative impacts should be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and should be focused specifically on the resource, not the project. An appropriate resource study area should be identified and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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 the California Natural Diversity Database (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. 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 the Fresno Metropolitan Flood Control 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>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the

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address provided on this letterhead, or by electronic mail at
Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

cc: Patricia Cole (patricia_cole@fws.gov)
United States Fish and Wildlife Service

Linda Connolly
California Department of Fish and Wildlife

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LITERATURE CITED

CDFW. 2023. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>. Accessed January 27, 2023.

CTS Literature Citations

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TRBL Literature Citations

Beedy, E. C., W. J. Hamilton III, R. J. Meese, D. A. Airola, and P. Pyle. 2017. Tricolored Blackbird (*Agelaius tricolor*), version 3.0. *in* The birds of North America. P. G. Rodewald (Ed.). Cornell Lab of Ornithology, Ithaca, New York, USA. <https://doi.org/10.2173/bna.tribla.03>

CDFW. 2015. Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015. March 19, 2015.

AMBA Literature Citations

Gittleman, J. L., S. M. Funk, D. MacDonald, and R. K. Wayne, 2001. Carnivore conservation. Cambridge University Press, Cambridge, United Kingdom.

Zeiner, D. C., W. F. Laudenslayer, Jr, K. E. Mayer, and M. White. 1990. California's Wildlife Volume I-III. California Department of Fish and Game, editor. Sacramento, CA, USA.

BUOW Literature Citations

CBOC. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.

CDFG. 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

WPT Literature Citations

Thomson, R. C., A. N. Wright, and H. Bradley Shaffer, 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

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WESP Literature Citations

Thomson, R. C., A. N. Wright, and H. Bradley Shaffer, 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

Special-Status Plants Citations

CDFW, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife. March 20, 2018