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August 4, 2023

Governor's Office of Planning & Research

August 4 2023

STATE CLEARINGHOUSE

Brian Foucht, Director
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(831) 623-4661 x 20

**Subject: 451 San Juan Hollister Road
Development Permit for Grading/Filling Within a Floodplain Project
(Project)
Notice of Preparation (NOP)
State Clearinghouse No: 2023060724**

Dear Brian Foucht:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for a Focused Draft Environmental Impact Report (DEIR) from the City of San Juan Bautista 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,

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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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 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.

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.

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.

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Juan Bautista

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Objective: Obtain a Development Permit to remediate a Declared Public Nuisance involving grading within a floodplain and remediate impacts to and restore the creek and floodplain area (Project).

Background: Per the U.S. Army Corps of Engineers (USACE) preliminary jurisdictional determination, approximately 3.25 acres of the Project site contains seasonal wetlands and 1,500 linear feet along the western and northern border of the site are designated as other waters of the U.S. with in-stream wetlands (San Juan creek). Over a period of three years (2019-2022), unpermitted grading activities occurred on-site, including adjacent to the eastern and southern banks of San Juan creek. Unpermitted work included grading of imported fill material within the floodplain and stockpiling of substantial on-site grading spoils mixed with shrubs, trees, and other vegetation from the site adjacent to, and over, the easterly and southernly banks of San Juan creek located along the western and northern boundaries of the property.

These activities were also found to be in violation of Fish and Game Code Section 1602 and a Notice of Violation was issued to the landowner (CDFW Violation File No. 1600-2019-0800-R4 San Juan Canyon Creek – San Benito County). Remediation of 2019 unpermitted grading had not yet been accepted by the City of San Juan Bautista when similar activities occurred again in 2022, with an expansion of the unpermitted activities that included removal of significant vegetation and deposition of substantial quantities of spoils along the toe and top of bank and within portions of the San Juan creek.

During a 2022 site visit, CDFW personnel observed that the landowner had graded the edges of the parcel. As a result of the grading, soil was pushed up into a continuous berm and into San Juan creek. During the unpermitted grading activities, trees and vegetation were damaged, uprooted, and pushed into the creek. Soil and vegetation were also graded and pushed into the creek for 0.11-mile from the southwest corner of the parcel north to the northwest corner. Soil and vegetation were also graded and pushed into the stream for 0.04-mile from the northwest corner to the west side of the driveway entrance, and soil and vegetation were graded and pushed into the stream for 0.13-mile from the east side of the driveway entrance to the northeast corner of the parcel.

As a result of the unpermitted work that occurred in violation of the federal Clean Water Act (404), Fish and Game Code Section 1602, and the City's Flood Hazard Prevention Ordinance, the City of San Juan Bautista issued an immediate Stop Work Order in March 2022, followed by three successive Compliance Orders requesting 1) characterization of the fill and 2) a program be developed for remediation including removal of grading spoils and restoration of the hydraulic capacity and biological habitat of San Juan Creek in coordination with and to the satisfaction of the jurisdictional agencies. In September 2022, the City issued the first of several administrative citations and initiated public nuisance procedures. The San Juan Bautista City Council,

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thereafter, adopted Resolution 2022-81 and 2022-87A in October and November 2022, respectively, declaring that the placement of grading and spoils along San Juan Creek and the changes to the topography of the floodplain are a public nuisance and ordering the City Manager to abate the nuisances and to take all appropriate steps to recover costs incurred by the City.

Location: The approximately 18.09-acre Project site is located at 451 San Juan Hollister Road in San Juan Bautista (Assessor's Parcel Number (APN) 002-550-008) in the City of San Juan Bautista. Currently, the site is developed with a trucking business, a transfer dock, vehicle storage, and pallet manufacturing, and is surrounded by residences, industrial, and agricultural uses. San Juan creek currently flows along the northern and western boundaries of the Project site. Three biological habitats were observed at the Project site per the December 2022, Biological Resource Habitat Characterization Report: Disturbed/fallow agricultural land, riparian woodland, and intermittent drainage. The parcel is surrounded by agriculture and from historical aerial imagery appeared to contain disturbed grassland habitat until 2018 (CDFW 2023). In 2019, aerials show the site had been graded and contained only bare dirt. A dirt road has been cut through the parcel from San Juan Hollister Road on the north side of the parcel to a truck storage area on the east side of the site. There is a roadside drainage/creek on the northern and western side of the parcel that contains a line of trees including red willow (*Salix laevigata*) and California black walnut (*Juglans hindsii*).

Timeframe: None given.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of San Juan Bautista in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document for this Project.

The NOP indicates that the Focused DEIR for the Project will consider potential environmental effects of the proposed remediation Project to determine the level of significance of the environmental effect and will analyze these potential effects to the detail necessary to make a determination on the level of significance. Personal communication with the City of San Juan Bautista highlighted that the CEQA baseline for this DEIR is to be set pre-disturbance, or prior to the unpermitted activities that resulted in the subsequent impacts on the parcel and the various violations that occurred. As such, this DEIR will also identify the impacts that have occurred as a result of the unpermitted work in addition to any future impacts associated with the restoration and remediation activities. The DEIR will also identify and evaluate alternatives to the proposed Project. When a DEIR is prepared, the specifics of mitigation measures may

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be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation.

CDFW will review the DEIR as a trustee and responsible agency based on the merit of what is proposed and how impacts are addressed. CDFW recommends the City of San Juan Bautista coordinate with CDFW's CEQA and Lake and Streambed Alteration Agreement (LSAA) staff to ensure that the Project in the DEIR meets the recommendations and any guidance CDFW provides including the activities identified as needing remediation per Notice of Violation (NOV) 2020-0842.

CDFW recommends that the DEIR include the details related to removing and remediating the effects of the unauthorized actions including the removal of the sacked concrete slope protection for the driveway construction and identify the remediation actions including but not limited to: the re-establishment of creek morphology in the channel using the opposite bank as a model, the stabilization of the driveway fill material after removal of the sacked concrete slope protection, and the re-establishment of vegetation on the creek bank and within the riparian area including the planting and successful establishment of riparian trees.

CDFW is concerned regarding potential impacts that may have occurred due to unpermitted work in the Project site and that may arise from future remediation work.

Special-Status Species: Based on aerial imagery, and species occurrence records from the California Natural Diversity Database (CNDDDB 2023), the proposed Project site and/or surrounding area has been known to, and is known to have, the potential to support special-status species. These resources may need to be evaluated and addressed prior to any additional approvals for ground-disturbing activities. CDFW is concerned regarding potential impacts that may have occurred due to the unpermitted work within the Project site and that also may occur from the future remediation work to special-status species including, but not limited to, the federal endangered (FE)/State threatened (ST) San Joaquin kit fox (*Vulpes macrotis mutica*), the ST/federally threatened (FT) California tiger salamander (*Ambystoma californiense*), the FT and State species of special concern (SSC) California red-legged frog (*Rana draytonii*), and the SSC burrowing owl (*Athene cunicularia*), western pond turtle (*Emys marmorata*), and hoary bat (*Lasiurus cinereus*).

San Joaquin Kit Fox (*Vulpes macrotis mutica*)

Although there are no recorded observations of this species within the immediate vicinity of the Project, San Joaquin kit fox (SJKF) are known to be in this region and as they are highly mobile, there is a possibility that they could be in the greater Project area.

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SJKF den in right-of-ways, vacant lots, etc., and populations can fluctuate over time. It is important to note that SJKF populations are known to fluctuate and a negative finding from biological surveys in any one year does not necessarily demonstrate absence of kit fox on a site. In addition, SJKF may be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance.

CDFW recommends the DEIR quantify and describe the direct and indirect impacts to SJKF, including SJKF dispersal and habitat connectivity. The evaluation should include the cumulative impacts to SJKF from the past unpermitted activities and future remediation work from this Project and other existing, planned, and potential development in the greater Project area that may contribute to habitat fragmentation. This information, in addition to an adequate description of habitat features on the Project site is essential to adequately assess Project-related impacts.

To assess the Project site, CDFW recommends that a qualified biologist determine if habitat suitable to support SJKF is present on-site prior to any additional ground- or vegetation-disturbing activities. If suitable habitat is present, CDFW recommends that a qualified biologist assess presence/absence of SJKF by conducting surveys following the USFWS's "*Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance*" (USFWS 2011) and implementing no-disturbance buffers around den sites, as described in the USFWS document.

SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b).

California Tiger Salamander (*Ambystoma californiense*)

The State threatened and federally threatened California tiger salamander (CTS) has the potential to be present in the Project site. CDFW has jurisdiction over this species under CESA. CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011) and per Google historical imagery, the Project site contained seasonal pools along with a stream channel immediately south of San Juan Hollister Road that ran from the northeast corner of the property to the southwest corner prior to the sites' current condition. Aerial photographs show that suitable upland refugia exists within and in the vicinity of the Project site. CDFW believes this species could have been, or could potentially be, impacted by ground disturbance such as discing, ripping, or grading if those activities were to occur and the appropriate avoidance, minimization, and mitigation measures are not implemented.

Prior to any ground-disturbing activities and as part of the biological studies conducted in support of the CEQA document, CDFW requests potential Project- related impacts to

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this species in and surrounding the Project site be evaluated by a qualified biologist using the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003). Protocol surveys should be conducted for this Project and the protocol requires that surveys be conducted during at least two seasons, with sufficient precipitation, to be considered complete. If CTS are found on the Project site, “take” authorization would occur through the issuance of an ITP, pursuant to Fish and Game Code Section 2081(b).

In the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and immediately focus on obtaining an ITP. For information regarding ITPs, please see the following link: <https://www.wildlife.ca.gov/Conservation/CESA>. Included in the ITP would be measures required to avoid and/or minimize direct “take” of CTS on the Project site, as well as measures to fully mitigate the impact of the “take.”

California Red-Legged Frog (*Rana draytonii*)

The California red-legged frog (CRLF) has been documented approximately 0.23-mile northeast of the Project site in a roadside channel coming off of San Juan Creek in 2022, per CNDDDB records. CDFW believes that this species could have been, or could potentially be, impacted if ground disturbance such as discing, ripping, or grading were to occur and the appropriate avoidance, minimization, and mitigation measures are not implemented. If suitable habitat is present within the Project site and adjoining area, CDFW recommends that a qualified biologist conduct a habitat assessment and protocol surveys for CRLF as part of the biological technical studies conducted in support of the CEQA document and, regardless of the results of the initial surveys, repeated within 48 hours prior to commencing work (two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the USFWS *Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog* (USFWS 2005) to determine if CRLF are within or adjacent to the Project site.

If any CRLF are found during the initial protocol surveys conducted as part of the biological technical studies, the preconstruction surveys, or at any time during construction CDFW recommends that CDFW be contacted to discuss a relocation plan for CRLF. If CRLF are found at any time during construction, CDFW recommends that construction cease immediately and that CDFW be contacted to discuss a relocation plan for CRLF.

CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 through March 31). If ground-disturbing activities must take place between November 1 and March 31, CDFW recommends that a qualified biologist monitor construction activity daily for this species.

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Burrowing Owl (*Athene cunicularia*)

Burrowing owls (BUOW) may occur near the Project site (CDFW 2023). BUOW inhabit open grassland or adjacent canal banks, right of ways, vacant lots, etc. containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. The Project site is surrounded by agriculture and grassland areas per aerial imagery. CDFW believes that this species could have been, or could potentially be, impacted if ground disturbance activities were to occur and the appropriate avoidance, minimization, and mitigation measures are not implemented.

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "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. These surveys are to determine if there are more BUOW in addition to the December 2017 observation surveyed for the Project.

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

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Western Pond Turtle (*Emys marmorata*)

Western pond turtles (WPT) are known to nest in the spring or early summer within 100 meters (approximately 328-feet) of a water body, although nest sites as far away as 500 meters (approximately 1,640-feet) have also been reported (Thompson et al. 2016). There is a WPT occurrence approximately 0.14-mile (739-ft) northeast of the Project site (CDFW 2023). CDFW believes that WPT could have been, or could potentially be, impacted if ground disturbance activities were to occur and the appropriate avoidance, minimization, and mitigation measures are not implemented.

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 the focused surveys, regardless of the initial results, ten days prior to 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.

CDFW recommends that if any WPT are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area on their own.

II. Editorial Comments and/or Suggestions

CDFW requests that the DEIR fully identify the potential past and future impacts to biological resources, including the above-mentioned species. In order to adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified biologist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may have been or may be present within the Project site. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol level surveys, and to identify any Project-related impacts under CESA and other species of concern.

Therefore, CDFW recommends the DEIR address potential impacts to these species and provide measurable mitigation measures that, as needed, will reduce impacts to less than significant levels. Information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>).

Federally Listed Species: CDFW also recommends consulting with the USFWS on potential impacts to federally listed species, specifically, but not limited to, the San Joaquin kit fox, California tiger salamander, and California red-legged frog. 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

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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 to comply with FESA is advised well in advance of any ground disturbing activities.

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 site and greater 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.

Lake and Streambed: The Project is subject to CDFW’s regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity 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 LSAA Program at (559) 243-4593. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a LSAA. If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the Project is complete. This may lead to considerable Project delays.

Nesting birds: Per Google and CNDDDB aeriels along with Google Street View, the Project site contained and still contains numerous trees within/adjacent to the two creek channels within the proposed Project boundaries. While no tree removal was mentioned in the Project information, 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 through mid-September), 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. Per photographs taken at the Project site by CDFW staff in 2022, trees along the banks had been damaged and/or fallen into the ditch/stream channel.

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Due to the nature of this unpermitted Project, impacts to nesting birds and their habitat appear to have already occurred and have the potential to occur in the future if additional ground disturbance takes place.

To evaluate past, present, and future Project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct both a historical and current assessment of nesting habitat during biological surveys in support of the Project's CEQA document in addition to a current inventory, via survey of nesting birds. Regardless of the results, CDFW recommends nesting bird surveys be repeated as pre-activity surveys for active nests 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 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 biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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 City of San Juan Bautista 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>).

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

Sincerely,

Julie A. Vance
Regional Manager

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

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LITERATURE CITED

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USFWS. 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

PROJECT: 451 San Juan Hollister Road (NOP)

SCH No.: 2023060724

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: SJKF Habitat Assessment	
Mitigation Measure 2: SJKF Protocol-level Surveys	
Mitigation Measure 5: CTS Habitat Assessment	
Mitigation Measure 6: CTS Protocol-level Surveys	
Mitigation Measure 9: CRLF Habitat Assessment Relocation Plan	
Mitigation Measure 10: CRLF Protocol-level Surveys	
Mitigation Measure 11: CRLF Relocation Plan	
Mitigation Measure 13: BUOW Habitat Assessment	
Mitigation Measure 14: BUOW Protocol-level Surveys	
Mitigation Measure 15: BUOW Passive Relocation and Mitigation	
<i>During Construction</i>	
Mitigation Measure 3: SJKF Avoidance	
Mitigation Measure 4: SJKF Take Authorization	
Mitigation Measure 7: CTS Avoidance	
Mitigation Measure 8: CTS Take Authorization	
Mitigation Measure 12: CRLF Avoidance	
Mitigation Measure 16: BUOW Avoidance	