



State of California – Natural Resources Agency
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October 19, 2023

David Mirrione, City Manager
City of Hollister
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**Subject: Hollister Municipal Airport Runway 6 Safety Project (Project)
Initial Study (IS)/Mitigated Negative Declaration (MND)
State Clearinghouse Number (SCH): 2023090117**

Dear David Mirrione:

The California Department of Fish and Wildlife (CDFW) received an Initial Study (IS)/Mitigated Negative Declaration (MND) from the City of Hollister (City), as Lead Agency, for the Hollister Municipal Airport Runway 6 Safety Project (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. While the comment period may have ended, CDFW would appreciate if you would still consider our comments.

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; Public 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,

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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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).

As both a Responsible and Trustee Agency, 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 Hollister

Objective: The Project proposes the demolition and removal of the approximately 4.8 acres of paved taxiway and construction of an approximately 0.5-acre perpendicular taxiway to connect Runway 6 and the southern taxiway and would be compatible and consistent with the City's General Plan and Zoning Designations.

Location: The Project site is comprised of approximately 5.3 acres, located within the western portion of Runway 6 of the Hollister Municipal Airport (Accessor's Parcel Number [APN]: 050-010-001-00), in San Benito County. The Project site is bounded by the existing Hollister Municipal Airport to the east and south, and vacant undeveloped land and agricultural land to the north and west. The nearest major freeways to the Project site include State Route (SR) 25, located approximately 0.5 miles to the west and SR 156, located approximately 1.3 miles to the north.

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Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist the City 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 CEQA document.

CDFW appreciates the City already submitting a California Endangered Species Act (CESA) 2081 Incidental Take Permit (ITP) application for incidental take of California tiger salamander (*Ambystoma californiense*, CTS), a State and federal threatened species. In ITP would authorize take of CTS that could occur as a result of the Project. During CDFW's review of the IS/MND, it was found that there are inconsistencies between the proposed Project description in the IS/MND and the ITP Application. The Project boundaries and activities shown in the IS/MND differ from the Project boundaries and activities shown in the ITP application. In the IS/MND, a larger area is proposed for demolition and removal of pavement than in the ITP application. For example, 4.8 acres of pavement are proposed for removal in the IS/MND versus 3.91 acres, as described in the ITP Application. While the IS/MND can be adopted by CDFW as the Responsible Agency for issuing the CESA ITP with these differences, CDFW does recommend the City take a close look at this discrepancy, particularly to ensure the Project area as described in the ITP application is accurately described. Additionally, the IS/MND shows additional areas where electrical cabling will be replaced than what is showing in the ITP application, which only shows a subset of these areas. Finally, the ITP application proposes approximately 450 linear feet of directional boring for new cabling that the IS/MND does not disclose.

Based on Exhibit 3 of the IS/MND, it appears that the Project footprint will cover more than a 5.3-acre area when accounting for the following temporary areas of disturbance: the areas adjacent to the demolition work that will be reseeded upon completion of the Project and the areas where electrical cabling will be placed within existing conduits if the conduits are located underground. The full Project footprint analyzed in the IS/MND is not disclosed in the ITP Application. CDFW recommends that the City closely analyze the information provided in the IS/MND and the ITP application and contact CDFW to discuss the differences and/or which documents need updating to be consistent.

Currently, the IS/MND states that the Project will result in 0.23 acres of permanent impact and 0.31 acres of temporary impact to CTS upland and dispersal habitat. However, based on the Project site plan depicted in Exhibit 3 of the IS/MND, it appears that additional temporary impacts to CTS upland and dispersal habitat may occur. If

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certain impact areas are not considered CTS upland and dispersal habitat, the IS/MND should provide an a biological explanation for this determination.

Consistency between the ITP and the CEQA document is very important. CDFW is the Responsible Agency for the purposes of issuing an ITP and, as a Responsible Agency, cannot authorize impacts that are greater than those disclosed and analyzed in the Project's IS/MND.

While CDFW must include additional mitigation measures in an ITP to meet the CESA permit issuance criteria, which is more strict than CEQA, we recommend that a few of the minimization and mitigation measures typically included in an ITP be included in the IS/MND:

Recommended Mitigation Measure 1: CTS Mortality Reduction and Relocation Plan

CDFW recommends the a measure to require development of a CTS Mortality Reduction and Relocation Plan.

Recommended Mitigation Measure 2: Soil Stockpiles

CDFW the following measure with regards to soil and materials stockpiles: The Applicant shall ensure that soil stockpiles are placed where soil will not pass into potential CTS breeding habitat or any "Waters of the State" in accordance with Fish and Game Code section 5650, appropriately protect stockpiles to prevent soil erosion, stockpile and stage all materials and equipment in a manner that discourages CTS and shall not place bundled or loose materials directly on the ground.

Recommended Mitigation Measure 3: CTS Stop Work Measure

CDFW a measure stating that, during construction, any workers shall inform the CDFW-approved biologist(s) if CTS are observed. If this occurs, work in the vicinity of the observed CTS shall cease immediately until it moves from the project site of its own accord or the CDFW approved biologist relocates the CTS following the CDFW approved CTS Mortality Reduction and Relocation Plan.

Recommended Mitigation Measure 4: CTS Injury Measure

CDFW recommends including the following minimization measure: If CTS are injured due to project-related activities, the CDFW approved biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Applicant share bear costs associated with care or treatment of such injured CTS. Applicant shall notify CDFW of injury immediately by telephone and e-mail followed

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by a written incident report. Notification shall include the name of the facility where the animal was taken.

Nesting birds

Mitigation Measure BIO-4 in the IS/MND states that, "If construction must be performed in the bird nesting season (February 1 through August 31), a qualified biologist shall survey the proposed project area for nesting birds no more than 14 days prior to construction activities. If active nests are observed, no-construction buffer zones shall be established around nests, with a buffer size established by the qualified biologist in consultation with CDFW. Buffer zones shall be avoided during construction activities until young have fledged or the nest is otherwise abandoned." CDFW does not recognize the pre-construction clearance survey window as ending on August 31 and recommends and typically recognizes September 15th of any given year as the survey window for nesting birds. CDFW also does not concur that the buffer distances as cited are appropriate for protection of the species and therefore does not concur with the mitigation measure as proposed and recommends the following:

Recommended Mitigation Measure 5: Nesting Bird Surveys Prior to Construction

If ground-disturbing activities occur during the nesting bird season (**February 1 – September 15**), CDFW recommends that a qualified biologist conduct pre-construction surveys for active nests no more than **one week** prior to the start of ground 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 work site 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, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests.

Recommended Mitigation Measure 6: Nesting Bird Monitoring and/or Avoidance Buffer

Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends the work causing that change cease and that CDFW be consulted 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

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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 parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the construction area 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.

Editorial Comments and/or Suggestions

California Natural Diversity Database: Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project site.

Federally Listed Species: CDFW recommends consulting with United States Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed species including but not limited to CTS. 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 Project activities.


CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist the City of Hollister in identifying and mitigating the Project's impacts on biological resources.

If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3194 or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

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Attachment 1

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

**PROJECT: Mitigated Negative Declaration (MND) 2023-0421–
Hollister Municipal Airport Runway 6 Safety Project**

SCH No.: 2023090117

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: CTS Mortality Reduction and Relocation Plan.	
Mitigation Measure 5: Nesting Bird Surveys Prior to Construction.	
<i>During Construction</i>	
Mitigation Measure 2: Soil Stockpiles.	
Mitigation Measure 3: CTS Stop Work Measure.	
Mitigation Measure 4: CTS Injury Measure.	
Mitigation Measure 6: Nesting Bird Monitoring and/or Avoidance Buffer.	