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Governor's Office of Planning & Research

Feb 16 2024

STATE CLEARINGHOUSE

**Subject: Belridge Pipeline Project (Project)
MITIGATED NEGATIVE DECLARATION (MND)
State Clearinghouse No. 2024010439**

Dear Tim Ashlock:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Buena Vista Water Storage District (District) for the above-referenced Project pursuant 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 the 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 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

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.

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 2

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.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species was previously prohibited and CDFW was not able to authorize their incidental take. Senate Bill No. 147, which became effective on July 10, 2023, amended Fish and Game Code sections 3511, 4700, 5050, and 5515, and added section 2081.15, to authorize CDFW to issue a permit under CESA that authorizes the take of a fully protected species resulting from impacts attributable to the implementation of specified projects, which include maintenance, repair, or improvement projects to critical regional or local water agency infrastructure, if certain conditions are satisfied. The fully protected blunt-nosed leopard lizard (*Gambelia sila*) and white-tailed kite (*Elanus leucurus*) are known to occur in the Project area (CNDDDB 2024).

Other Special Status Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria under CESA or ESA as specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

Bird Protection: CDFW has jurisdiction over actions that may 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 section 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird).

Water Rights: CDFW, as Trustee Agency, is consulted by the State Water Resources Control Board during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring adequate water flows within streams for the protection, maintenance, and

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 3

proper stewardship of those resources. CDFW provides biological expertise to review and comment on environmental documents and impacts arising from Project activities.

PROJECT DESCRIPTION SUMMARY

The Project would construct 10,566 feet of a 54-inch diameter pipeline, installed in a single trench that would be approximately 6 feet wide and 7 feet deep. Other Project components include the installation adjacent to the California Aqueduct of 6,072 feet of electric line and 9,504 feet of fiber optic line. The construction corridor would be 60 feet wide to accommodate trenching, access, equipment, and material. Equipment and material staging would primarily occur long existing access corridors and other disturbed areas, such as along the California Aqueduct, canals, roadways, and agricultural field margins. Connecting the pipeline to the existing turnout along the California Aqueduct would not require any in-channel work or excavation along the bank of the aqueduct. The total area in which pipeline, electric line, and fiber optic construction (i.e., trenching, grading, clearing, grubbing, storage, and access) would occur is approximately 18.51 acres. The Project would be situated within or immediately surrounded by natural lands. The pipeline would displace 6,500 cubic yards of soil, which would be hauled to a landfill.

Proponent: District

Objectives: The objective of the Project is to improve District facilities, facilitate delivery of water to the District, improve return capacity, increase water supply reliability, improve water conveyance within the District's service area, and help provide a more reliable water supply to farmers located within the District's boundaries.

Location: The Project is located in the Lokern area in western Kern County, approximately 5.5 miles west-northwest of the community of Buttonwillow. The Project alignment will connect with an existing turnout at the California Aqueduct and traverse east across the Lokern area before tying into the 7th Standard Pipeline adjacent to the Kern River Flood Canal.

Timeframe: Construction is expected to begin in summer or fall of 2025 and be completed within approximately 10 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (i.e. biological resources). CDFW requests that the recommended mitigation measures below be incorporated as

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 4

enforceable measures in the CEQA document and conditions of approval for the Project.

Based on a review of the Project description, a review of California Natural Diversity Database (CNDDDB) records, and a review of aerial photographs of the Project boundary and surrounding habitat, several special-status species would potentially be impacted by Project activities. The Project alignment is adjacent to several parcels of the CDFW Lokern Ecological Reserve as well as Center for Natural Lands Management lands that are dedicated to the preservation of many of the special status species listed below. Project-related construction activities, including but not limited to construction, operation and maintenance of the water pipeline, electric line, and fiber optic line would impact the special-status plant and wildlife species and habitats known to occur in the area.

In particular, CDFW is concerned regarding potential impacts for the following special status wildlife species known to occupy the Project area: the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State and federally endangered Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) and giant kangaroo rat (*Dipodomys ingens*); the State threatened San Joaquin (= Nelson's) antelope squirrel (*Ammospermophilus nelsoni*) and Swainson's hawk (*Buteo swainsoni*); the State candidate for listing Crotch's bumble bee (*Bombus crotchii*); the State and federally endangered and fully protected blunt-nosed leopard lizard; the State fully protected white-tailed kite; the federally proposed threatened and State species of special concern western spadefoot (*Spea hammondi*); and the State species of special concern burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), Le Conte's thrasher (*Toxostoma lecontei*), long-eared owl (*Asio otus*), American badger (*Taxidea taxus*), Tulare grasshopper mouse (*Onychomys torridus tularensis*), California glossy snake (*Arizona elegans occidentalis*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), and coast horned lizard (*Phrynosoma blainvillii*).

CDFW is also concerned regarding potential impacts for the following special status plant species and habitats known to occupy the Project area: the federally endangered and California rare plant rank (CRPR) 1B.2 Kern mallow (*Eremalche parryi* ssp. *kernensis*) and San Joaquin woollythreads (*Monolopia congdonii*); the CRPR 1B.1 Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), showy golden madia (*Madia radiata*), and Horns milk-vetch (*Astragalus hornii* var. *hornii*); the CRPR 1B.2 heartscale (*Atriplex cordulata* var. *cordulata*), Lost Hills crownscale (*Atriplex coronata* var. *vallicola*), California alkali grass (*Puccinellia simplex*), and recurved larkspur (*Delphinium recurvatum*); and the CRPR 4.2 crownscale (*Atriplex coronata* var. *coronata*) and Hoover's eriastrum (*Eriastrum hooveri*). Sensitive terrestrial communities that are present include Valley saltbush scrub and Valley sink scrub. Several ephemeral streams and associated riparian habitats are also located within the Project area.

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 5

Other species of birds, amphibians, reptiles, mammals, fish, and plants also compose the local ecosystem. Please note that the CNDDDB is populated by 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, or lack of recent occurrence records, in the CNDDDB does not mean that a species is not present. 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 necessary to determine whether any special status species are present.

COMMENT 1: San Joaquin kit fox (SJKF)

SJKF are known to occur within the Project vicinity (CDFW 2024). The Project site is located in a core area of natural lands targeted for protection and recovery of SJKF (USFWS 1998), and the Project alignment is adjacent to the Lokern Ecological Reserve that is owned and managed by CDFW for the recovery and preservation of a suite of listed species, including SJKF. Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF and Kern County supports relatively large areas of high and medium suitability SJKF habitat (Cypher et al. 2013). In addition to natural habitats, SJKF den in rights-of-way, agricultural and fallow/ruderal habitat, dry stream channels, and canal levees, etc., and populations can fluctuate over time. SJKF are also capable of occupying urban environments (Cypher and Frost 1999). SJKF may be attracted to Project areas due to the type and level of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. SJKF will forage in fallow and agricultural fields and utilize streams and canals as dispersal corridors. As a result, there is potential for SJKF to occupy all suitable habitat within the Project boundary and surrounding area. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with construction include habitat loss, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Mitigation Measures BIO-1 and BIO-9 on pages 3-22 and 3-29 of the MND state that a pre-construction clearance survey for SJKF will be conducted not more than 30 days prior to the initiation of ground-disturbing activities. If active or potential dens for SJKF are found, buffer zones and den exclusions will be coordinated with CDFW and the U.S. Fish and Wildlife Service (USFWS). If wildlife is observed inside a pipe, the pipe will not be moved and the animal will be allowed to leave on its own. Also, if trapped or injured animals are observed in a trench, Project activities will stop and escape ramps or structures will be installed to allow the animal to escape.

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 6

Mitigation Measure BIO-10 states that the District will obtain take authorization from CDFW and USFWS and provide compensatory mitigation for take of federally and/or State-listed species that would occur during Project implementation, including take that may occur as a result of implementing avoidance and minimization measures.

Recommended Mitigation Measure 1: SJKF Surveys and Minimization

CDFW recommends assessing presence/absence of SJKF in areas where SJKF are not already known to occur by having qualified biologists conducting surveys of Project areas and a 500-foot buffer of Project areas to detect SJKF and their sign. CDFW also recommends following the *Standardized Recommendations for Protection of the San Joaquin kit fox Prior to or During Ground Disturbance* (USFWS 2011) during Project implementation.

Recommended Mitigation Measure 2: SJKF Take Authorization

SJKF known presence or detection of individuals or activity 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).

COMMENT 2: Tipton Kangaroo Rat (TKR) and Giant Kangaroo Rat (GKR)

The Project site is located in a core area of natural lands targeted for protection and recovery of TKR and GKR (USFWS 1998). The MND acknowledges the presence of TKR and GKR in areas of suitable habitat within and adjacent to the Project. Suitable habitat includes areas of grassland, upland scrub, alkali sink, and saltbush scrub habitats that contain requisite habitat elements, such as small mammal burrows. Very little suitable habitat for these species remains along the edges of the southern San Joaquin Valley floor (ESRP 2024a, ESRP 2024b) and areas of suitable habitat in the Project area along the California Aqueduct represents some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. Without appropriate avoidance and minimization measures for TKR and GKR, potential significant impacts include loss of habitat, burrow collapse, inadvertent entrapment of individuals, reduced reproductive success such as reduced health or vigor of young, and direct mortality of individuals.

Recommended Mitigation Measure 3: TKR and GKR Avoidance

CDFW advises maintenance of a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances of suitable size for TKR and GKR use.

Recommended Mitigation Measure 4: TKR Surveys

If burrow avoidance is not feasible, CDFW recommends that focused protocol-level trapping surveys be conducted by a qualified wildlife biologist holding permits to do so by both CDFW and USFWS, to determine if TKR occurs in the Project area.

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 7

CDFW advises that these surveys be conducted in accordance with the USFWS (2013) *Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats*, well in advance of ground-disturbing activities in order to determine whether impacts to TKR could occur.

Recommended Mitigation Measure 5: GKR Surveys

Because suitable habitat and potential burrow precincts for GKR exist within the Project area, CDFW recommends that a trapping plan for determining presence of GKR be submitted to and approved by CDFW prior to subsequent trapping efforts. CDFW recommends that these surveys be conducted by a qualified biologist who holding permits to do so by both CDFW and USFWS. CDFW further recommends that these surveys be conducted between April 1 and October 31, when kangaroo rats are most active, and well in advance of ground-disturbing activities in order to determine what impacts to GKR could occur.

Recommended Mitigation Measure 6: TKR and GKR Take Authorization

Because suitable habitat is present and TKR and GKR are present within and adjacent to the Project area, CDFW advises that take avoidance may be infeasible and if avoidance is infeasible, acquisition of an ITP would be required prior to Project implementation to comply with CESA. TKR and GKR activity or detection warrants consultation with CDFW to discuss how to acquire an Incidental Take Permit prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 3: San Joaquin Antelope Squirrel (SJAS)

The Project site is located in a core area of natural lands targeted for protection and recovery of SJAS (USFWS 1998). SJAS have been documented within areas of suitable habitat in the Project vicinity (CDFW 2024) and the MND acknowledges presence. Suitable SJAS habitat includes areas of grassland, upland scrub, and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows. Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJAS. Very little suitable habitat for this species remains along the western floor of the San Joaquin Valley (ESRP 2024c). Areas of suitable habitat within the Project area represent some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture, and ground-disturbing activities are anticipated during Project implementation. Without appropriate avoidance and minimization measures for SJAS, potential significant impacts include loss of habitat, burrow collapse, inadvertent entrapment of individuals, reduced reproductive success such as reduced health or vigor of young, and direct mortality of individuals.

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 8

Recommended Mitigation Measure 7: SJAS Avoidance

CDFW advises that Project activities maintain a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances of suitable size for SJAS. In addition, because SJAS are active during daylight hours, CDFW also advises that a qualified biologist monitor the Project site during Project activity to detect individual SJAS and halt work if an individual enters the Project site or a 50- foot buffer, until the individual leaves of its own volition.

Recommended Mitigation Measure 8: SJAS Surveys

If burrows suitable for SJAS cannot be avoided, CDFW recommends that focused SJAS trapping surveys to assess presence of the species be conducted by a qualified biologist during appropriate conditions to maximize detection of the species, including daytime temperatures between 68 to 86 degrees Fahrenheit and seasonal timing between April 1 and September 30 (CDFG 1990). These surveys are recommended to be conducted well in advance of ground-disturbing activities.

Recommended Mitigation Measure 9: SJAS Take Authorization

CDFW advises that avoidance of SJAS may be infeasible. SJAS activity or detection warrants consultation with CDFW to discuss how to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 4: Swainson’s Hawk (SWHA) and White-Tailed Kite (WTKI)

The MND acknowledges that SWHA and WTKI are known to the Project area and have the potential to nest in riparian habitat and other mature trees located within the Project site and ½ mile of the Project within the Kern River Flood Canal. Suitable foraging habitat within the vicinity of the Project site includes annual grassland, alfalfa or grain fields, and livestock pasture. Conversion of undeveloped and agricultural land can directly influence distribution and abundance of SWHA, due to the reduction in foraging habitat. Groundwater pumping, surface water diversion, and habitat conversion may result in loss of riparian habitat and subsequent loss of nesting habitat. Without appropriate avoidance and minimization measures for SWHA and WTKI, potential significant impacts include nest abandonment and reduced reproductive success that includes mortality of young and reduced health and vigor of eggs and/or young.

The trees and riparian habitat within the Project area represent some of the only remaining suitable nesting habitat in the local vicinity. Depending on the timing of construction, activities including noise, vibration, and movement of workers or equipment could affect nests and have the potential to result in nest abandonment. In the San Joaquin Valley, suitable nest trees may be a limiting factor for SWHA productivity. The loss of suitable nest trees, particularly in proximity to foraging

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 9

habitat, has the potential to significantly impact local SWHA (CDFW 2016). CDFW considers removal of known bird-of-prey nest trees, even outside of the nesting season, a potentially significant impact under CEQA, and, in the case of SWHA, it could also result in take under CESA. Project activities near the nest that differ from baseline disturbance regimes in type, timing, and/or magnitude can affect adults caring for eggs and young in the nest, and can affect nestling behavior. Project activities including noise, vibration, odors, visual disturbance, and movement of workers or equipment could affect nesting individuals and have the potential to result in nest abandonment or reduced nesting success, significantly impacting local nesting SWHA and WTKI.

Mitigation Measures BIO-6b and BIO-6c of the MND state that a qualified biologist will conduct surveys of potential SWHA nest trees within ½ mile using the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (SWHA TAC 2000). At a minimum, a survey will be conducted within 10 days before Project activities begin near suitable nest trees, from April through August. Mitigation Measures BIO-6b and BIO-6c state that if an active SWHA or WTKI nest is observed, a protective buffer will be established and implemented until the nest is no longer active. If active SWHA or WTKI nests are observed, a qualified biologist will prepare site specific take avoidance plan. The MND analysis does not provide a biological basis of how a no-disturbance buffer will be determined as adequate to avoid significant impacts, including but not limited to take of individuals through nest failure or other means, as a result of Project implementation.

Recommended Mitigation Measure 10: SWHA and WTKI Nest Tree Avoidance and Mitigation

In addition to avoiding occupied nest trees, CDFW recommends that impacts to known nest trees be avoided at all times of year, or that mitigation occur for these impacts. Regardless of nesting status, if potential or known SWHA and WTKI nesting trees are removed, CDFW recommends that they be replaced with an appropriate native tree species, planted at a ratio of 3:1 (replaced to removed), in an area that will be protected in perpetuity. This mitigation will offset potential impacts of the loss of nesting habitat.

Recommended Mitigation Measure 11: Focused SWHA and WTKI Surveys

To reduce potential Project-related impacts to SWHA and WTKI, CDFW recommends that a qualified biologist conduct surveys for nesting birds of prey, including SWHA and WTKI, following the survey methodology developed by the SWHA Technical Advisory Committee (2000) during the nesting season of or prior to Project initiation, within the Project area and a ½-mile buffer around the Project area. In addition, if Project activities will take place during the typical breeding season (February 1 through September 15), CDFW recommends that additional

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 10

preconstruction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Recommended Mitigation Measure 12: SWHA and WTKI Buffers

If an active SWHA nest is found during preconstruction surveys, CDFW recommends implementing a minimum ½-mile no-disturbance buffer 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 site care for survival.

CDFW recommends implementation of a minimum ¼-mile no-disturbance buffer around identified WTKI nest(s) 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 site for survival.

Recommended Mitigation Measure 13: SWHA and WTKI Take Authorization

If a ½-mile no-disturbance SWHA nest buffer is not feasible, consultation with CDFW is warranted, and an ITP for SWHA may be necessary prior to Project implementation to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision (b).

With the passage of Senate Bill No. 147, the incidental take of WTKI may be authorized for certain categories of projects, including maintenance, repair, or improvement to critical regional or local water agency infrastructure. If a ¼-mile WTKI no-disturbance buffer is not feasible, or if the District chooses to assume presence during Project implementation, consultation with CDFW is recommended to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP for WTKI prior to Project activities, pursuant Fish and Game Code section 2081, subdivision (b).

COMMENT 5: Crotch's Bumble Bee (CBB)

CBB have been documented to occur within the vicinity of the Project area (CDFW 2024). Suitable CBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. CBB primarily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, underneath brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014, Hatfield et al. 2015). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010) or leaf litter or other debris (Williams et al. 2014). Therefore, ground disturbance and vegetation removal associated with Project implementation has the potential to significantly impact local CBB populations.

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 11

CBB was once common throughout most of the central and southern California; however, it now appears to be absent from most of it, especially in portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest that there have been sharp declines in relative abundance of CBB by 98% and persistence by 80% over the last 10 years. Without appropriate avoidance and minimization measures for CBB, potentially significant impacts associated with ground- and vegetation-disturbing activities associated with construction of the Project include loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, in addition to direct mortality.

Recommended Mitigation Measure 14: CBB Surveys and Avoidance

CDFW recommends that a qualified biologist conduct a habitat assessment for CBB. Foraging resources and potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs, are advised to be documented as part of the assessment. In areas of suitable habitat, CDFW recommends a that qualified biologist conduct a bumble bee survey using a protocol developed according to the CDFW (2023) *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* to identify bumble bees and potential nesting sites during the vegetation blooming period prior to activities at Project sites. If any CBB or a nest are detected, CDFW advises consultation with CDFW to develop adequate take avoidance measures, and if a nest is observed at any time, avoidance would include protection for underground overwintering queens.

Recommended Mitigation Measure 15: CBB Take Authorization

Mitigation Measure BIO-3 (page 3-24) proposes excavation of small mammal burrows that may harbor CBB queens and handling and disposition of individuals. If avoidance of take is not feasible, take authorization would be required via an ITP for CBB, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 6: Special-Status Plants

State- and federally listed, State rare, and other special-status plant species meeting the definition of rare or endangered under CEQA section 15380, are known to occur throughout the Project boundary and surrounding area, including the species listed above (CDFW 2024). Many of the plant species listed above are threatened by grazing and agricultural, urban, and energy development, and many historical occurrences of these species are presumed extirpated (CNPS 2021). Though new populations have recently been discovered, impacts to existing populations have the potential to significantly impact populations of plant species. Without appropriate avoidance and minimization measures for special-status plants, potential significant

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 12

impacts associated with subsequent Project-specific activities include loss of habitat, loss or reduction of productivity, and direct mortality.

Recommended Mitigation Measure 16: Special-Status Plant Surveys

CDFW recommends that individual Project sites be surveyed for special-status plants by a qualified botanist following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG 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. Note that due to variations in annual rainfall that CDFW recommends plant surveys be conducted over one season (Spring through Fall) and repeated over two separate seasons to maximize detection of special-status plants.

Recommended Mitigation Measure 17: Special-Status Plant Avoidance

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 may be warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 18: Listed Plant Species Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would be required through issuance of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 7: Burrowing Owl (BUOW)

BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project boundary contains remnant undeveloped land but the surrounding area is otherwise intensively managed for agriculture. BUOW are documented within the Project area, which contains suitable habitat. Potentially significant direct impacts associated with subsequent activities and land conversion include habitat loss, burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Tim Ashlock
 Buena Vista Water Storage District
 February 16, 2024
 Page 13

Mitigation Measure BIO-6a states that a qualified biologist will assess BUOW habitat in a manner consistent with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) and if any occupied burrows are observed, protective buffers will be established and implemented. The size of the buffer will depend on type and intensity of disturbance, presence of visual buffers, and other variables that could affect susceptibility of the owls to disturbance. The MND analysis does not provide a biological basis of how a no-disturbance buffer will be determined as adequate to avoid significant impacts, including but not limited to take of individuals.

Recommended Mitigation Measure 19: BUOW Habitat Assessment

CDFW recommends that a qualified biologist conducts a habitat assessment in advance of implementation of Project-specific activities, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

Recommended Mitigation Measure 20: BUOW Surveys

If suitable habitat is present on or in the vicinity of the Project area, CDFW recommends assessing presence or 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, these reports suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (i.e., April 15 to July 15), when BUOW are most detectable. In addition, CDFW advises that surveys include a minimum 500-foot buffer around the Project area.

Recommended Mitigation Measure 21: BUOW Avoidance

CDFW recommends that 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, and specifically 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)

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 14

Recommended Mitigation Measure 22: BUOW Eviction and Mitigation

If BUOW are found within the recommended buffers and avoidance is not possible, it is important to note that evicting birds from burrows is not a take avoidance, minimization, or mitigation method and is instead considered a potentially significant impact under CEQA (CDFG 2012). If it is necessary for Project implementation, CDFW recommends that burrow eviction 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 then recommends mitigation in the form of replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) to mitigate for evicting BUOW and the loss of burrows. 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.

COMMENT 8: Western Spadefoot:

Western spadefoot is known to occur throughout the Lokern area, using ephemerally ponded water associated with seasonal flooding and rainfall to breed, as well as the associated upland habitats outside of the breeding season. Spadefoot inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season (Thomson et al. 2016). Any depressional features in the Project area footprint likely support breeding spadefoot and the adjacent areas likely provide upland refugia for the species.

Recommended Mitigation Measure 23: Western Spadefoot Surveys and Avoidance

CDFW recommends that a qualified biologist conduct focused surveys for spadefoot and their requisite habitat features as part of the biological studies conducted and that a 50-foot no-disturbance buffer is implemented around the entrances of any suitable burrows and occupied habitat. If individuals are detected CDFW recommends that consultation with CDFW occur to develop adequate avoidance measures.

COMMENT 9: Other State Species of Special Concern

American badger, California glossy snake, San Joaquin coachwhip, coast horned lizard, loggerhead shrike, Le Conte's thrasher, long-eared owl, and Tulare grasshopper mouse may inhabit grassland and upland shrub areas with friable soils (Williams 1986, Thomson et al. 2016). These species have been documented to occur in the vicinity of the Project, which supports requisite habitat elements for these species (CDFW 2024). Habitat within and adjacent to the Project represents some of the only remaining undeveloped land in the vicinity, which is otherwise

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 15

intensively managed for agriculture. Without appropriate avoidance and minimization measures for these species, potentially significant impacts associated with ground disturbance include habitat loss and nest/den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 24: Habitat Assessment

CDFW recommends that a qualified biologist conducts a habitat assessment in advance of project implementation, to determine if Project areas or their immediate vicinity contain suitable habitat for the species mentioned above.

Recommended Mitigation Measure 25: Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for the species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance.

Recommended Mitigation Measure 26: Avoidance

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens of mammals like the American badger as well as the entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians. 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.

COMMENT 10: Blunt-nosed leopard lizard (BNLL)

The MND acknowledges that three BNLL individuals were observed within the Project alignment during biological surveys. Due to species occurrence and suitable habitat documented within the Project (CDFW 2024), there is a moderate to high potential for BNLL to occur within and adjacent to the Project alignment. Suitable BNLL habitat includes areas of grassland and upland scrub that contain requisite habitat elements, such as small mammal burrows. BNLL also use open space patches between suitable habitats, including disturbed sites and unpaved access roadways. Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to BNLL (ESRP 2022d). The range for BNLL now consists of scattered parcels of undeveloped land within the valley floor and the foothills of the Coast Range (USFWS 1998).

Recommended Mitigation Measure 27: BNLL Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine where the Project area or its immediate vicinity contains suitable habitat for BNLL.

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 16

Recommended Mitigation Measure 28: BNLL Surveys

Where suitable habitat is present, prior to initiating any vegetation- or ground-disturbance activities, CDFW recommends conducting surveys in accordance with the *Approved Survey Methodology for the Blunt-nosed Leopard Lizard* (CDFW 2019). This survey protocol is designed to optimize BNLL detectability. CDFW advises completion of BNLL surveys no more than one year prior to initiation of ground disturbance. Please note that protocol level surveys must be conducted on multiple dates during late spring, summer, and fall of the same calendar year, and that within these time periods, there are specific date, temperature, and time parameters. As a result, protocol level surveys for BNLL are not synonymous with 30-day “preconstruction surveys” often recommended for other wildlife species. In addition, the BNLL protocol specifies different survey effort requirements based on whether the disturbance results from maintenance activities or if the disturbance results in habitat removal (CDFW 2019).

Recommended Mitigation Measure 29: BNLL Take Avoidance or Authorization

With the passage of Senate Bill No. 147, the incidental take of BNLL may be authorized for certain categories of projects, including maintenance, repair, or improvement to critical regional or local water agency infrastructure. If BNLL protocol surveys find that the Project site is occupied, or if the District chooses to assume presence for BNLL, consultation with CDFW is recommended to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081, subdivision (b).

EDITORIAL COMMENTS AND/OR SUGGESTIONS

Conservation Lands: The MND states that the District will use Eminent Domain to construct the Project across lands owned and managed by the Center For Natural Lands Management. These lands were acquired for preservation in perpetuity as mitigation required by the CDFW CESA Incidental Take Permit No. 2081-2001-004-4 (CDFW ITP) and the USFWS Formal Section 7 Consultation and Biological Opinion 1-1-00-F-172 (Biological Opinion) for the Midway Sunset Cogeneration’s Western Midway Sunset Power Project (Midway Sunset Project). The MND states (page 3-33) that the parcel is mitigation for the Midway Sunset Project under the California Energy Commission Midway Sunset Cogeneration Decision 95-AFC-03C, but failed to mention the CDFW ITP or Biological Opinion. Also, obtaining conservation land through eminent domain makes the District liable for making whole the loss of mitigation associated with these permits. In other words, these mitigation lands will need to be replaced separate from and in addition to any Project related ITP mitigation needs.

The MND concludes (page 3-33) that the impacts to mitigation lands would be temporary, minor, limited to the 5-foot-wide pipeline footprint, unlikely to substantially

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 17

affect special status species, and less than significant with mitigation incorporated, consisting of a habitat restoration plan that is not yet developed (Mitigation Measure BIO-11). CDFW does not concur that Project impacts will be temporary or minor, given that the Project alignment includes a permanent 60-foot-wide right-of-way that would be necessary for construction and future operation and maintenance of the pipeline and associated electric and fiber optic facilities. In addition, Project construction would impact saltbush scrub habitat; recovery following severe disturbance to saltbush scrub, like other desert scrub types, requires decades and perhaps centuries (Webb et al. 1982).

Given the Project's ground disturbing activities are considered to be permanently impacting the mitigation lands already preserved for the CDFW ITP and USFWS BO, the mitigation requirements for acquiring and managing replacement mitigation will be substantially higher and more stringent than the mitigation proposed in the MND.

Impacts to CDFW Lokern Ecological Reserve Lands: The Lokern area is identified in the *Recovery Plan for Upland Species of the San Joaquin Valley, California* (USFWS 1998) as a core area of natural lands targeted for protection of listed species including SJKF, BNLL, SJAS, TKR, GKR, and Kern mallow. CDFW owns and manages several parcels in the Lokern area that collectively are part of the Lokern ER. These parcels were acquired as mitigation for the Metropolitan Bakersfield Habitat Conservation Plan and for other projects requiring mitigation land preservation. The Project alignment is located immediately adjacent to several parcels of the Lokern ER.

California Code of Regulations, Title 14, section 630 states "All ecological reserves are maintained for the primary purpose of developing a statewide program for protection of rare, threatened, or endangered native plants, wildlife, aquatic organisms, and specialized terrestrial or aquatic habitat types" and therefore, public access on these lands is restricted.

California Code of Regulations, Title 14, section 550, subdivision (g) states:

Protection of Resources. Except for the take of fish and/or wildlife in compliance with general and site-specific hunting and fishing regulations, or under written authorization from the department to conduct environmental research or environmental education, no visitor shall:

- (1) mine or disturb geological formations, archeological, cultural or anthropological artifacts, structures, or resources;
- (2) take or disturb any bird nest, or eggs thereof;
- (3) cut, saw, trim, remove, or disturb any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, soil, sand, gravel, rock, mineral, or any other form of plant or animal life on department land, except that non-woody vegetation may be cut and used for temporary hunting blinds; or

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 18

(4) construct or build any type of structure, including those made of vegetation (except as provided in subsection 550(g)(3)) or any other type of material, on department land except as may be specifically authorized by a Special Use Permit.

The MND does not include an analysis of impacts to the Lokern ER, nor does it document the Lokern ER parcels in Figures 2.2 through 2.4. . The Project may affect the Lokern ER and associated special status species and habitat through direct and indirect impacts related to construction and other ground disturbance, habitat fragmentation, and edge effects. Impacts to the Lokern ER and sensitive species may include direct mortality, increased predation, introduction of invasive species, erosion, and habitat destruction, and are considered significant by CDFW.

CDFW requests that the MND clearly outline the locations of pipeline installation, electric and fiber optic installation, staging, storage and laydown areas, trenching, and other Project activity that are proposed on or adjacent to CDFW properties, in addition to the details of any right-of-way or an easement that may exist on CDFW properties in the Project alignment. CDFW recommends changes to MND Figures 2-2, 2-3, and 2-4 to show precise Project boundaries on a detailed topographic map with respect to Lokern ER boundaries. Absent an existing easement that describes the exact actions described in this MND, encroachment onto the Lokern ER is prohibited by state regulations. District coordination with CDFW is necessary to address the Project alignment and work areas.

Potential Impacts and Consideration for an Environmental Impact Report (EIR):

The special-status species and habitats listed above are known to occur or could potentially occur within the proposed Project alignment and the Project has the potential to significantly impact these species and habitats. Table 3 of the Biological Technical Report appended to the MND lists observations of the following within the Project alignment when conducting biological surveys: Kern mallow, BNLL, TKR, SJAS, potential GKR burrows, and potential SJKF burrows.

The MND did not include an analysis of impacts of the Project to the Lokern ER and the MND does not contain adequate detail to allow CDFW to provide specific, effective feedback on potential direct and indirect impacts. The Lokern area is considered a core area for the recovery of State and federally listed species and other special status species and habitats (USFWS 1998). CDFW recommends that the District consider preparation of an EIR with a biological impact analysis that includes a robust assessment of the proposed Project's potential to substantially reduce and adversely modify habitat for special status species, reduce and potentially seriously impair the viability of populations of special status species, and reduce the number and range of special status species while taking into account the likelihood that special status species on adjacent and nearby natural lands rely upon the habitat that occurs on the proposed Project site. For each State-listed species potentially impacted by the Project, CDFW

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 19

recommends that the District also demonstrate in the CEQA document that Project-related impacts would be fully mitigated as required by CESA. In addition, CDFW recommends an alternatives analysis that identifies the least environmentally and biologically impactful alternative for the Project.

Other Special Status Species: The Biological Technical Report attached to the MND documents the sightings of several non-listed species of special concern during biological surveys. The MND does not evaluate impacts to species of special concern and CRPR listed species, and states (page 3-17) that not all taxa identified in the CNDDDB are considered special status species for purposes of evaluation in the MND. Species of plants and animals need not be officially listed as Endangered, Rare or Threatened on any State or federal list pursuant to CESA and/or the federal ESA to be considered under CEQA. Species that can be shown to meet the criteria for a listing as Endangered, Rare or Threatened under CESA and/or ESA as specified in the CEQA Guidelines (Cal. Code Regs., tit.14, Chapter 3, § 15380) should be fully considered in the environmental analysis for the Project.

Potential Take Resulting From Mitigation Measures: The MND proposes several mitigation measures that could result in the take of State-listed species as defined in Fish and Game Code section 86. These include the installation of wildlife exclusion fencing (Mitigation Measure BIO-4); a translocation plan for Tipton and giant kangaroo rat (Mitigation Measure BIO-7), and San Joaquin antelope squirrel trapping and translocation (Mitigation Measure BIO-8). Mitigation Measure BIO-9 proposes plugging or excavation of potential, known, and inactive natal/pupping dens if no kit fox activity is documented within three days.

Mitigation Measure BIO-10 of the MND states that the District will obtain take authorization and provide compensatory mitigation for take of federally and/or State-listed species. CDFW does not consider obtaining take authorization pursuant to CESA itself as a form of CEQA minimization or mitigation but concurs that it is appropriate for the District to obtain an Incidental Take Permit for take of State-listed species if take avoidance is infeasible, prior to Project implementation. California Code of Regulations, Title 14, section 783.4 requires that applicants fully mitigate the impacts of the permitted take of a State-listed species, including all impacts on the species that result from any act that would cause the proposed taking. The analysis and ultimate determination of full mitigation considers both direct and indirect impacts (including spatial, temporal, sub-lethal, and cumulative impacts). The desired outcome of full mitigation is to ensure that the status of the species is preserved such that it is able to continue to survive and thrive after completion of the Project.

Water Rights: The MND describes the construction of facilities to carry water originating from the California Aqueduct. CDFW recommends providing a detailed

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 20

description of all water rights and water entitlements that would pertain to the Project, including any applications or change petitions that may be filed to transfer water.

Lake and Streambed Alteration: A review of aerial imaging shows that the Project crosses several ephemeral streams. The MND does not address impacts to streams or the need for lake or streambed alteration notification. Project activities would substantially change the bed, bank, and channel of streams and are 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 (including the removal of riparian vegetation); (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.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration (LSA) Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. Additional information on notification requirements is available through the Central Region LSA Program at (559) 243-4593 or R4LSA@wildlife.ca.gov, and the CDFW website: <https://wildlife.ca.gov/Conservation/LSA>.

Nesting Birds: CDFW encourages that Project implementation occur during the bird non-nesting season; however, if Project activities must occur during the breeding season (i.e., 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.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted by the Project 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, 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 that a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends that the work

Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 21

causing that change cease and that CDFW be consulted 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 site 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 area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers.

Endangered Species Act Consultation: CDFW recommends consultation with the USFWS prior to Project activity, due to potential impacts to federally listed species and to habitat lands set aside to mitigate impacts related to the Midway Sunset Project Biological Opinion. Take under the ESA is more stringently defined than under CESA; take under the ESA may also include 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 ESA is advised well in advance of Project implementation.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that 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 obtained at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at 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

The Project as proposed would have an impact on fish and/or wildlife, and assessment of filing fees is 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

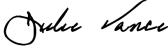
Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 22

operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the District in identifying and mitigating Project impacts on biological resources. If you have questions regarding this letter, please contact Annette Tenneboe, Senior Environmental Scientist (Specialist), at (559) 580-3202 or by email at Annette.Tenneboe@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1

cc: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 23

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Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 24

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Tim Ashlock
Buena Vista Water Storage District
February 16, 2024
Page 25

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Attachment 1

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

**PROJECT: Belridge Pipeline Project
STATE CLEARINGHOUSE No.: 2024010439**

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
<i>Before Project Activity</i>	
Recommended Mitigation Measure 1: SJKF Surveys and Minimization	
Recommended Mitigation Measure 2: SJKF Take Authorization	
Recommended Mitigation Measure 3: TKR and GKR Avoidance	
Recommended Mitigation Measure 4: TKR Surveys	
Recommended Mitigation Measure 5: GKR Surveys	
Recommended Mitigation Measure 6: TKR and GKR Take Authorization	
Recommended Mitigation Measure 8: SJAS Surveys	
Recommended Mitigation Measure 9: SJAS Take Authorization	
Recommended Mitigation Measure 10: SWHA and WTKI Nest Tree Avoidance and Mitigation	
Recommended Mitigation Measure 11: Focused SWHA and WTKI Surveys	
Recommended Mitigation Measure 12: SWHA and WTKI Buffers	
Recommended Mitigation Measure 13: SWHA Take Authorization	
Recommended Mitigation Measure 14: CBB Surveys and Avoidance	
Recommended Mitigation Measure 15: CBB Take Authorization	
Recommended Mitigation Measure 16: Special-Status Plant Surveys	
Recommended Mitigation Measure 17: Special-Status Plan Avoidance	
Recommended Mitigation Measure 18: Listed Species Take Authorization	

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Recommended Mitigation Measure 19: BUOW Habitat Assessment	
Recommended Mitigation Measure 20: BUOW Surveys	
Recommended Mitigation Measure 21: BUOW Avoidance	
Recommended Mitigation Measure 22: BUOW Passive Relocation and Mitigation	
Recommended Mitigation Measure 23: Western Spadefoot Surveys and Buffers	
Recommended Mitigation Measure 24: Habitat Assessment – American badger, California glossy snake, Temblor legless lizard, loggerhead shrike, Le Conte’s thrasher, long-eared owl, and Tulare grasshopper mouse.	
Recommended Mitigation Measure 25: Surveys – American badger, California glossy snake, Temblor legless lizard, loggerhead shrike, Le Conte’s thrasher, long-eared owl, and Tulare grasshopper mouse.	
Recommended Mitigation Measure 26: Avoidance – American badger, California glossy snake, Temblor legless lizard, loggerhead shrike, Le Conte’s thrasher, long-eared owl, and Tulare grasshopper mouse.	
Recommended Mitigation Measure 27: BNLL Habitat Assessment	
Recommended Mitigation Measure 28: BNLL Surveys	
Recommended Mitigation Measure 29: BNLL Take Avoidance or Authorization	
<i>During Project Activity</i>	
Recommended Mitigation Measure 1: SJKF Surveys and Minimization	
Recommended Mitigation Measure 3: TKR and GKR Avoidance	
Recommended Mitigation Measure 7: SJAS Avoidance	

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Recommended Mitigation Measure 10: SWHA and WTKI Nest Tree Avoidance and Mitigation	
Recommended Mitigation Measure 12: SWHA and WTKI Buffers	
Recommended Mitigation Measure 14: CBB Surveys and Avoidance	
Recommended Mitigation Measure 17: Special-Status Plan Avoidance	
Recommended Mitigation Measure 21: BUOW Avoidance	
Recommended Mitigation Measure 26: Avoidance – American badger, California glossy snake, Temblor legless lizard, loggerhead shrike, Le Conte’s thrasher, long-eared owl, and Tulare grasshopper mouse.	
Recommended Mitigation Measure 29: BNLL Take Avoidance or Authorization	