State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 15, 2024

Jamie Tugel, Public Works Director
City of Greenfield
559 El Camino Real
Greenfield, California 93927
jtugel@ci.greenfield.ca

Subject: City of Greenfield Wastewater Treatment Plant Improvement (Project)
MITIGATED NEGATIVE DECLARATION (MND)
SCH No.: 2024040602

Dear Jamie Tugel:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Greenfield 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 the Fish and Game Code.

While the comment period may have ended, CDFW respectfully requests that the City of Greenfield 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; 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.

[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.

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.

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 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 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. Suitable nesting and foraging habitat for the fully protected white-tailed kite (*Elanus leucurus*) is located within and adjacent to the Project boundary.

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 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: Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the City of Greenfield as owner of the wastewater treatment plant must obtain approval of the State Water Resources Control Board (SWRCB) pursuant to Water Code Section 1211. The City of Greenfield as petitioner must provide a copy of the complete petition and request consultation with CDFW

regarding the potential effects of the proposed change(s) on water quality, fish, wildlife, and other instream beneficial uses (Cal. Code Regs., tit. 23, § 794). CDFW, as Trustee Agency, is consulted by the SWRCB during the petition 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 ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

PROJECT DESCRIPTION SUMMARY

The Project consists of the construction of a new wastewater treatment plant (WWTP) facility, and the subsequent demolition of the existing WWTP. Additionally, potable and recycled water pipelines would be constructed within the right-of-way of Walnut Avenue west toward Thorp Avenue. The Project would construct an additional recycled water pipeline located in the access road between the WWTP and an effluent disposal site, and a recycled water pump station would be constructed on the existing effluent disposal site. The Project would improve utilities onsite and in portions of Walnut Avenue west towards Thorp Avenue and the access road between the WWTP and existing effluent disposal site. The Project would improve the performance of the existing WWTP to ensure the facility can accommodate future flows, comply with current water quality standards, and decrease reliance on groundwater supplies.

The Project would include construction of recycled water infrastructure, including distribution pipelines, a recycled water pump station, and the use of the three existing aerated ponds as recycled water storage basins. Recycled water would be provided to agricultural fields adjacent to the WWTP in the future.

Proponent: City of Greenfield

Location: The Project is located approximately two miles northeast of the center of the City of Greenfield, and the Project boundary includes the effluent ponds adjacent to the Salinas River.

Timeframe: None given.

RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Greenfield 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. Editorial comments or other suggestions may also be included to improve the document. Based on a review of the Project description, a review of California Natural Diversity Database (CNDDB) records, a review of aerial photographs of the Project and surrounding habitat, several special-status species could potentially be impacted by Project activities.

In particular, CDFW is concerned regarding potential impacts for the following special status wildlife species and habitats known to occupy the Project area: the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State and federally endangered least Bell's vireo (*Vireo bellii pusillus*); the State threatened bank swallow (*Riparia riparia*) and tricolored blackbird (*Agelaius tricolor*); the State fully protected white-tailed kite, the federally proposed threatened and State species of special concern western spadefoot (*Spea hammondii*) and western pond turtle (*Emys marmorata*); the California Rare Plant Rank 1B.1 pale-yellow layia (*Layia heterotricha*); and the State species of special concern Monterey hitch (*Lavinia exilcauda harengus*), burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), and Northern California legless lizard (*Anniella pulchra*). Suitable habitat for the State candidate endangered western bumble bee (*Bombus occidentalis*) and Crotch's bumble bee (*Bombus crotchii*) also occurs in the Project vicinity. The Salinas River supports the South-Central California Coast Steelhead ((*Oncorhynchus mykiss*) (SCCCS) Distinct Population Segment (DPS), which is federally threatened and a State species of special concern. The Salinas River is designated under the ESA as critical habitat for the SCCCS DPS.

Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB 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 wildlife biologist/botanist 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 area. CDFW provides the following recommendations for the MND, including proposed avoidance, minimization, and compensatory measures.

COMMENT 1: San Joaquin Kit Fox (SJKF)

SJKF occurrences have been documented within the vicinity of the Project boundary (CDFW 2024) but the MND does not address potential impacts to SJKF. 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. Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF, and the Project area in Monterey County supports areas of high and medium suitability SJKF habitat (Cypher et al. 2013). The Project area is currently urban area surrounded by grassland that can provide suitable habitat in an area that is otherwise under intensive agriculture. 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.

Recommended Mitigation Measure 1: SJKF Habitat Assessment
For all Project-specific components including construction and land conversion, CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for SJKF.

Recommended Mitigation Measure 2: SJKF Surveys and Minimization
CDFW recommends assessing presence or absence of SJKF by having qualified biologists conduct surveys of Project areas and a 500-foot buffer of Project areas to detect SJKF and their sign. CDFW also recommends following the U.S. Fish and Wildlife Service (USFWS 2011) *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* during Project implementation.

Recommended Mitigation Measure 3: SJKF Take Authorization
SJKF activity or 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 any ground disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 2: Least Bell's Vireo (LBV)

LBVI occurrences have been documented south of the Project boundary in the vicinity of San Lucas, and suitable riparian habitat for nesting occurs in the Project vicinity (CDFW 2024). The MND did not address potential impacts to LBV. Without appropriate avoidance and minimization measures, potential significant impacts associated with subsequent activities may include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Recommended Mitigation Measure 4: LBV Habitat Assessment
CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to identify areas of suitable habitat for LBV within Project site and a 500-foot buffer.

Recommended Mitigation Measure 5: LBV Surveys
CDFW recommends assessing presence/absence of LBV by conducting surveys following the USFWS (2001) *Least Bell's Vireo Survey Guidelines* in advance of the start of Project implementation, to evaluate presence/absence of LBV nesting in proximity to Project activities, and to evaluate potential Project-related impacts and permitting needs.

Recommended Mitigation Measure 6: LBV Avoidance
CDFW recommends that Project activities be timed to avoid the species' nesting season of March 1 through September 15. If Project activity will occur during the nesting season and if an active BASW nest is found during surveys, CDFW recommends implementing and maintaining a minimum 500-foot 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 for survival.

Recommended Mitigation Measure 7: LBV Take Authorization
LBV detection warrants consultation with CDFW to discuss how to avoid take, or if avoidance is not feasible, to acquire an ITP prior to Project activities, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 3: Bank Swallow (BASW)

BASW occurrences have been documented in the Project vicinity (CDFW 2024) but the MND did not address potential impacts to BASW. Without appropriate avoidance and minimization measures, potential significant impacts associated with subsequent activities may include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young. Channelization and stabilization of banks of nesting rivers, and other destruction and disturbance of nesting areas, are major factors causing the marked decline in numbers in recent decades. Depending on the timing of construction, 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 BASW.

Recommended Mitigation Measure 8: BASW Habitat Assessment
CDFW recommends that a qualified biologist conduct a habitat assessment in advance of implementation of Project activities, to determine if the Project area or a 500-foot buffer around the Project area contains suitable habitat for BASW.

Recommended Mitigation Measure 9: Focused BASW Surveys
To reduce potential Project-related impacts to BASW, CDFW recommends that a qualified wildlife biologist conduct focused surveys for BASW following standard survey methodology developed by the Bank Swallow Technical Advisory Committee (2017) prior to Project initiation, within areas of habitat in the Project area and a 500-foot buffer. In addition, if Project activities will take place during the species' nesting season of March 1 through August 31, CDFW recommends that additional 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 10: BASW Avoidance
CDFW recommends that Project activities be timed to avoid the species' nesting season. If Project activity will take place during the nesting season and an active BASW nest, or nest colony, is found during surveys, CDFW recommends implementing and maintaining a minimum 500-foot no-disturbance buffer around the nest/colony until the nesting 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 11: BASW Take Authorization
If a 500-foot no-disturbance nest buffer is not feasible, consultation with CDFW is warranted and acquisition of an ITP for BASW may be necessary prior to project implementation to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 4: Tricolored Blackbird (TRBL)

TRBL are known to occur south of the Project vicinity near Kings City (CDFW 2024). Review of aerial imagery indicates that the Project area includes flood-irrigated agricultural land, which is an increasingly important nesting habitat type for TRBL (Meese et al. 2017). Without appropriate avoidance and minimization measures for TRBL, potential significant impacts associated subsequent development include nesting habitat loss, nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young. Depending on Project timing, disturbance to nesting colonies can cause nest entire colony site abandonment and loss of all unfledged nests, significantly impacting TRBL populations (Meese et al. 2014).

Recommended Mitigation Measure 12: TRBL Surveys
CDFW recommends that Project activities be timed to avoid the bird nesting season of February 1 through September 15. If Project activity that could disrupt nesting must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of Project activity to evaluate presence or absence of TRBL nesting colonies within nesting habitat in the Project area and a 300-foot buffer.

Recommended Mitigation Measure 13: TRBL Colony Avoidance
If an active TRBL nesting colony is found during surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer, in accordance with CDFW's (2015) *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*, until the breeding season has ended or until a qualified biologist has determined that nesting has ceased and the young have fledged and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, CDFW recommends that an active colony be reassessed to determine its extent within 10 days prior to Project initiation.

Recommended Mitigation Measure 14: TRBL Take Authorization
In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss whether the Project can avoid take and, if take avoidance is not feasible, to acquire an ITP pursuant to Fish and Game Code section 2081 subdivision (b), prior to any Project activities.

COMMENT 5: White-Tailed Kite (WTKI)

The MND acknowledges the potential for impacts to WTKI. Review of aerial imagery indicates that trees capable of supporting nesting WTKI occur along the streams and canals within the Project boundary (CDFW 2024). Suitable foraging habitat for this species exists within the vicinity of the Project site, including annual grassland. CDFW considers removal of known bird-of-prey nest trees, even outside of the nesting season, a potentially significant impact under CEQA. If construction occurs during the nesting season, Mitigation Measure BIO-3 requires preconstruction raptor surveys and monitoring of active nests within 300 feet of construction activities. Mitigation Measure BIO-3 states that if WTKI are observed, a 300-foot no-disturbance buffer will be observed. The MND analysis does not provide a biological basis of how this mitigation measure is determined 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. Without appropriate avoidance and minimization measures for WTKI, potential significant impacts associated with Project activities include loss of forging and/or nesting habitat, nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Recommended Mitigation Measure 15: 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 occurs for these impacts. Regardless of nesting status, if potential or known 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 to offset the loss of nesting habitat.

Recommended Mitigation Measure 16: Focused WTKI Surveys
To identify potential Project-related impacts to nesting WTKI, CDFW recommends that a qualified biologist conduct surveys following the methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) during the nesting season of or prior to Project activity, within the Project area and a ½-mile buffer around the Project area. In addition, if Project activities will take place during the species' nesting season (i.e., March 1 through August 31), CDFW recommends that additional 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 17: WTKI Buffers
If an active WTKI 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 for survival.

Recommended Mitigation Measure 18: WTKI Take Authorization
If nesting WTKI are detected and the ½-mile no-disturbance buffer is infeasible, or if the Project proponent 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.

COMMENT 6: Western Bumble Bee (WBB) and Crotch's Bumble Bee (CBB)

WBB occurrences have been documented within the vicinity of the Project area (CDFW 2024). Suitable habitat for WBB includes areas of grasslands and meadows with abundant floral resources that contain requisite habitat elements such as small mammal burrows. WBB may also be found in natural areas within urban environments (Williams et al. 2014, Hatfield et al. 2015). WBB primarily nest underground in abandoned small mammal burrows but may also nest aboveground in log cavities (Hobbs 1968, Macfarlane et al. 1994). Overwintering sites utilized by WBB may include areas with soft, friable soil, leaf litter, or other debris (Goulson 2010, Williams et al. 2014).

Therefore, ground disturbance and vegetation removal associated with Project implementation has the potential to significantly impact local WBB populations.

CBB has been documented in the Project area (CDFW 2024), which supports suitable habitat such as grasslands and upland scrub (CDFW 2023a). 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 for CBB mated queens include soft, disturbed soil (Goulson 2010) or leaf litter or other debris (Williams et al. 2014). Without appropriate avoidance and minimization measures for CBB, potentially significant impacts from ground- and vegetation-disturbing Project activities include direct mortality, loss of forage plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, and reduced health and vigor of eggs, young and/or queens.

Recommended Mitigation Measure 19: WBB and CBB Surveys and Avoidance
CDFW recommends that a qualified biologist conduct a habitat assessment for WBB and CBB that documents foraging resources and potential nesting sites, including small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs. In areas of suitable habitat, CDFW recommends that a qualified biologist conduct a bumble bee survey using a protocol developed according to the CDFW (2023b) *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 WBB or CBB individuals or a nest are detected, CDFW advises consultation with CDFW to develop adequate take avoidance measures. If a nest is observed at any time, avoidance would include protection for underground overwintering queens.

Recommended Mitigation Measure 20: WBB and CBB Take Authorization
If avoidance of take of any WBB or CBB is not feasible, take authorization would be required via an ITP, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 7: Special-Status Plants

The MND does not address whether special-status plant species have potential to occur within the Project area. Special-status plant species meeting the definition of rare or endangered under CEQA section 15380 are known to occur within the Project and surrounding area; specifically, pale-yellow layia has been documented within the Project vicinity (CDFW 2024). Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts associated with subsequent construction include loss of habitat, loss or reduction of productivity, and direct mortality.

Recommended Mitigation Measure 21: 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.

Recommended Mitigation Measure 22: 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 23: Listed Plant Species Take Authorization
If a CESA-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 is warranted. Take authorization would occur through issuance of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 8: Burrowing Owl (BUOW)

BUOW occurrences have been documented in the vicinity of the Project area (CDFW 2024). BUOW inhabits open grassland containing small mammal burrows, a requisite habitat feature used for nesting and cover. Potentially significant direct impacts associated with Project development 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.

Recommended Mitigation Measure 24: BUOW Habitat Assessment
CDFW recommends that a qualified biologist conduct a habitat assessment in advance of implementation of Project activities, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

Recommended Mitigation Measure 25: BUOW Surveys
Where 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 (1993) "*Burrowing Owl Survey Protocol and Mitigation Guidelines"* and the CDFG (2012) "*Staff Report on Burrowing Owl Mitigation"*. Specifically, these documents suggest

three or more surveillance surveys conducted during daylight, with each visit occurring at least three weeks apart during the peak breeding season of April 15 to July 15, when BUOW are most detectable. In addition, CDFW advises that surveys include a minimum 500-foot survey radius around the Project area.

Recommended Mitigation Measure 26: BUOW Avoidance
CDFW recommends that no-disturbance buffers, as outlined by 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)

Recommended Mitigation Measure 27: BUOW Eviction and Mitigation
If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to CDFG (2012), evicting birds from burrows is not a take avoidance, minimization, or mitigation method and is instead considered a potentially significant impact under CEQA. If it is necessary for Project implementation, 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 then recommends mitigation in the form of replacement of occupied burrows with artificial burrows at a minimum ratio of one burrow collapsed to one 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 9: Western Pond Turtle (WPT)

WPT occur in the Project area (CDFW 2024) and a review of aerial imagery shows habitats that WPT utilize for nesting, overwintering, dispersal, and basking, including streams, ponded areas, irrigation canals, and riparian and upland habitats. WPT are known to nest in the spring or early summer within 100 meters of a water body,

although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Noise, vegetation removal, movement of workers, construction and ground disturbance as a result of Project activities have the potential to significantly impact WPT populations. Without appropriate avoidance and minimization measures for WPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 28: WPT Surveys
CDFW recommends that a qualified biologist conduct focused surveys for WPT within 10 days prior to Project activity, and that focused surveys for nests occur during the egg-laying season of March through August.

Recommended Mitigation Measure 29: WPT Avoidance and Minimization
CDFW recommends that any WPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project areas. If WPT individuals are discovered at the site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

COMMENT 10: Western Spadefoot

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). Western spadefoot are known to occur in the Project area (CDFW 2024) and suitable habitat and refugia occur.

Recommended Mitigation Measure 30: Western Spadefoot Surveys and Avoidance
CDFW recommends that a qualified biologist conduct focused surveys for Western spadefoot and their requisite habitat features. If any individuals are detected, CDFW recommends that a 50-foot no-disturbance buffer is implemented around the entrances of any occupied burrows or other habitat.

COMMENT 11: Other State Species of Special Concern

American badger, Northern California legless lizard, and San Joaquin coachwhip are known to inhabit grassland 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 loss threatens all of the species mentioned above (Williams 1986, Thomson et al. 2016). Habitat within and adjacent to the Project represents some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture.

As a result, ground-and vegetation-disturbing activities associated with development of the Project have the potential to significantly impact local populations of these species. Without appropriate avoidance and minimization measures for these species, potentially significant impacts associated with ground disturbance include habitat loss, nest/den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 31: American Badger, Northern California Legless Lizard, and San Joaquin Coachwhip 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 32: American Badger, Northern California Legless Lizard, and San Joaquin Coachwhip Surveys
If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for applicable species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance.

Recommended Mitigation Measure 33: American Badger, Northern California Legless Lizard, and San Joaquin Coachwhip Avoidance
Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens of mammals such as the American badger as well as the entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians.

EDITORIAL COMMENTS AND/OR SUGGESTIONS

Water Rights: The MND did not provide information on whether the Project will result in decreased discharge of treated wastewater into the adjacent Salinas River. CDFW recommends that the MND clarify whether or not the Project will result in diversions of treated wastewater from the Salinas River as a result of increased water recycling and include a detailed description of the water rights and water entitlements for points of diversion and places of use that pertain to the Project.

CDFW recommends that the MND address whether the City of Greenfield will file a change petition or a new application regarding diversion of treated wastewater. As stated previously, CDFW, as Trustee Agency, is consulted by the SWRCB 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. Given the potential for impacts to sensitive species and their habitats, it is advised that required consultation with CDFW occur well in advance of the SWRCB water right application process.

Salinas River Riparian Impacts: A reduction in discharge into the Salinas River of treated wastewater may affect the aquatic and riparian habitat and associated species of the river by reducing the amount of surface flow in the active stream channel at the discharge location and downstream, as well as reducing the amount of subsurface flow from percolation.

Watershed and habitat protection are vital to the management of California's diverse fish, wildlife, and plant resources. The riparian zone of the Salinas River in the vicinity of the wastewater treatment plant supports mature riparian woodland habitat and may potentially support several sensitive species listed as threatened or endangered under CESA and the ESA, as well as several State species of special concern. This includes least Bell's vireo, San Joaquin kit fox, bank swallow, tricolored blackbird, western pond turtle, Monterey hitch, and the SCCCS steelhead DPS. The Project may result in direct and cumulative adverse impacts to these fish and wildlife and other public trust resources supported by the Salinas River and its associated riparian habitats. Any proposed reduction in discharge could affect the sustainability of the riparian woodland and aquatic habitats within the stream. CDFW recommends that the MND be amended and recirculated with a hydrologic study or other information that identifies and analyzes the impacts of surface and subsurface water reduction on the riparian woodland and aquatic habitats associated with the Salinas River and the species supported by these habitats, and includes appropriate measures to avoid, minimize, and mitigate potential biological impacts due to surface flow reduction.

Lake and Streambed Alteration: Project activities that will substantially change the bed, bank, and channel of streams and associated wetlands 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. If Project construction or related changes in water use require notification, 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 of 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 Code sections as referenced above.

To evaluate Project-related impacts to 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 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 or 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 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 ground disturbance, due to potential impacts to Federal listed species. Take under the ESA is more stringently defined than under CESA; take under 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. Similarly, for potential effects to steelhead and its critical habitat, CDFW recommends consultation with the National Marine Fisheries Service (NMFS). Consultation with the USFWS and NMFS 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 (CNDDB). The CNDDB field survey form can be obtained at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/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 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 City of Greenfield 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:
Sarah Paulson
E9964E60293D40A...

Sarah Paulson for Julie A. Vance
Regional Manager

Attachment

ec: Annette Tenneboe, California Department of Fish and Wildlife

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

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Attachment 1

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

PROJECT: City of Greenfield Wastewater Treatment Plant Improvement Project
STATE CLEARINGHOUSE No.: 2024040602

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Before Project Activity	
Recommended Mitigation Measure 1: SJKF Habitat Assessment	
Recommended Mitigation Measure 2: SJKF Surveys and Minimization	
Recommended Mitigation Measure 3: SJKF Take Authorization	
Recommended Mitigation Measure 4: LBV Habitat Assessment	
Recommended Mitigation Measure 5: LBV Surveys	
Recommended Mitigation Measure 6: LBV Avoidance	
Recommended Mitigation Measure 7: LBV Take Authorization	
Recommended Mitigation Measure 8: BASW Habitat Assessment	
Recommended Mitigation Measure 9: Focused BASW Surveys	
Recommended Mitigation Measure 10: BASW Avoidance	
Recommended Mitigation Measure 11: BASW Take Authorization	
Recommended Mitigation Measure 12: TRBL Surveys	
Recommended Mitigation Measure 13: TRBL Colony Avoidance	
Recommended Mitigation Measure 14: TRBL Take Authorization	
Recommended Mitigation Measure 15: WTKI Nest Tree Avoidance and Mitigation	
Recommended Mitigation Measure 16: Focused WTKI Surveys	
Recommended Mitigation Measure 17: WTKI Buffers	

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Recommended Mitigation Measure 18: WTKI Take Authorization	
Recommended Mitigation Measure 19: WBB and CBB Surveys and Avoidance	
Recommended Mitigation Measure 20: WBB and CBB Take Authorization	
Recommended Mitigation Measure 21: Special-Status Plant Surveys	
Recommended Mitigation Measure 22: Special-Status Plant Avoidance	
Recommended Mitigation Measure 23: Listed Plant Species Take Authorization	
Recommended Mitigation Measure 24: BUOW Habitat Assessment	
Recommended Mitigation Measure 25: BUOW Surveys	
Recommended Mitigation Measure 26: BUOW Avoidance	
Recommended Mitigation Measure 27: BUOW Eviction and Mitigation	
Recommended Mitigation Measure 28: WPT Surveys	
Recommended Mitigation Measure 29: WPT Avoidance and Minimization	
Recommended Mitigation Measure 30: Western Spadefoot Surveys and Avoidance	
Recommended Mitigation Measure 31: American Badger, Northern California Legless Lizard, and San Joaquin Coachwhip Habitat Assessment	
Recommended Mitigation Measure 32: American Badger, Northern California Legless Lizard, and San Joaquin Coachwhip Surveys	
Recommended Mitigation Measure 33: American Badger, Northern California Legless Lizard, and San Joaquin Coachwhip Avoidance	
During Project Activity	
Recommended Mitigation Measure 2: SJKF Surveys and Minimization	
Recommended Mitigation Measure 6: LBV Avoidance	

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Recommended Mitigation Measure 10: BASW Avoidance	
Recommended Mitigation Measure 13: TRBL Colony Avoidance	
Recommended Mitigation Measure 17: WTKI Buffers	
Recommended Mitigation Measure 19: WBB and CBB Surveys and Avoidance	
Recommended Mitigation Measure 22: Special-Status Plant Avoidance	
Recommended Mitigation Measure 26: BUOW Avoidance	
Recommended Mitigation Measure 29: WPT Avoidance and Minimization	
Recommended Mitigation Measure 30: Western Spadefoot Surveys and Avoidance	
Recommended Mitigation Measure 33: American Badger, Northern California Legless Lizard, and San Joaquin Coachwhip Avoidance	