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July 24, 2024

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**Subject: Turnout on the Friant-Kern Canal at Big Dry Creek (Project)  
Mitigated Negative Declaration (MND)  
SCH Number: 2024061125**

Dear Laurence Kimura:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study (IS)/MND from Fresno Irrigation District (ID) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide recommendations regarding the activities proposed at the Project site that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and Game 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.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is 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 & Game Code, § 2050 et seq.), related authorized as provided by the Fish and Game Code will be required.

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

**Cumulative Impacts:** General impacts from Projects include habitat fragmentation, degradation, habitat loss, migration/movement corridor limitations, and potential loss of individuals to the population. CDFW recommends the lead agency consider all approved and future projects when determining impact significance to biological resources.

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

**Water Rights:** The capture of unallocated stream flows to artificially recharge groundwater aquifers is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1200 et seq. CDFW, as Trustee Agency, is consulted by 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. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. CDFW,

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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.

**Bird Protection:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15380), CDFW recommends it be fully considered in the environmental analysis for this Project.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Fresno ID

**Objective:** Fresno ID and Fresno County are proposing to construct a new canal turnout that would divert and deliver water from the Friant-Kern Canal into Big Dry Creek, which would provide direct recharge along the Big Dry Creek channel north and east of the City of Clovis as well as other water deliveries downstream for recharge and other beneficial uses. The Project's surface water diversions would occur during average to wetter hydrological years, and during wet year flood releases from Millerton Lake. Fresno ID is a member of the North Kings Groundwater Sustainability Agency which has adopted a Groundwater Sustainability Plan to meet the requirements of the Sustainable Groundwater Management Act. The proposed Project would help recharge the North Kings Groundwater Sustainability Agency region's groundwater aquifer. The United States Bureau of Reclamation would own the proposed turnout and associated appurtenances, Friant Water Authority would be responsible for operation of the new turnout, and Fresno ID would be responsible for the maintenance of the turnout.

**Location:** The Project will take place at mile post 14.6 on the west bank of the Friant-Kern Canal near State Route 168E. Assessor's Parcel Numbers 150-061-20T, 150-061-18, and 150-061-47.

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**Timeframe:** September 2026 through February 2027

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the following recommendations to assist Fresno ID in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife resources. Editorial comments or other suggestions may also be included to improve the document.

Currently, the IS/MND acknowledges that the Project site is within the geographic range of several special-status and review of the California Natural Diversity Database (CNDDDB) reveals records for several special-status species within the vicinity of the Project area including, but not limited to the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), State and federally threatened California tiger salamander (*Ambystoma californiense*), State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*). 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.

CDFW has concerns about the ability of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for special-status plant species, including but not limited to, the State and federally endangered California jewelflower (*Caulanthus californicus*) and Hartweg's golden sunburst (*Pseudobahia bahiifolia*), the State endangered and federally threatened San Joaquin adobe sunburst (*Pseudobahia peirsonii*) and succulent owl's-clover (*Castilleja campestris* var. *succulenta*), the federally endangered and California Rare Plant Rank (CRPR) 1B Keck's checkerbloom (*Sidalcea keckii*), the CPRP 1B spiny-sepaled button-celery (*Eryngium spinosepalum*), and CRPR 2B California satintail (*Imperata brevifolia*). CDFW also has concerns with potential impacts to migratory and non-migratory nesting birds and potential impacts to streams as a result of Project activities that may be subject to CDFW's regulatory authorization pursuant to Fish and Game Code section 1600 et seq.

The Project has the potential to impact biological resources, and the IS/MND proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of these measures to reduce impacts to less than significant and avoid unauthorized take for special status animal species listed above. If significant environmental impacts will occur as a result of Project implementation and cannot be mitigated to less than significant levels, an IS/MND would not be appropriate. When an Environmental Impact Report (EIR) is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes

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performance standards for implementation. CDFW recommends that the CEQA document provide quantifiable and enforceable measures as needed that will reduce impacts to less than significant levels. CDFW recommends that the following modifications and/or edits be incorporated into the IS/MND, including proposed avoidance, minimization, and compensatory measures, prior to its adoption by Fresno ID.

### **San Joaquin Kit Fox (SJKF)**

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. As a result, there is potential for SJKF to occupy all suitable habitat within the Project boundary and surrounding area. The IS/MND acknowledges that suitable denning and foraging habitat occurs within the Project area and includes Mitigation Measures BIO-29 through BIO-31. These measures include conducting pre-construction surveys; however, it is unclear if protocol level surveys will be conducted. 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. To evaluate potential impacts to SJKF, CDFW recommends including the following mitigation measures in the IS/MND.

- **Recommended Mitigation Measure 1: 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 United States Fish and Wildlife Service (USFWS) *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 activity or detection warrants consultation with CDFW to discuss how to avoid take. If avoidance is not feasible, take authorization through the issuance of an Incidental Take Permit (ITP) prior to any ground disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.

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### **Swainson's Hawk (SWHA)**

SWHA are documented within the Project area and have the potential to nest in trees within the Project area (CDFW 2024). Impacts to nesting Swainson's hawk can occur through disturbance related to Project activities. The IS/MND acknowledges that suitable nesting habitat occurs within the Project area and Mitigation Measure BIO-7 requires a single survey for hawks within five days prior to the onset of construction during the nesting season. Mitigation Measure BIO-8 requires a qualified biologist to determine an appropriate buffer around a SWHA nest, based on CDFW guidelines, condition of the nest, and the level of Project disturbance. The analysis does not provide a biological basis of how these mitigation measures are 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 SWHA, potential significant impacts associated with Project activities include loss of foraging and/or nesting habitat, nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young. To evaluate potential impacts to SWHA, CDFW recommends conducting the following evaluation and including the following mitigation measures in the IS/MND.

- **Recommended Mitigation Measure 3: SWHA Surveys:** To reduce potential Project-related impacts to SWHA, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) during the nesting season 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 species nesting season (i.e., March 1 through September 15), 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 4: SWHA Buffers:** If an active SWHA nest is found during focused 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 5: SWHA Take Authorization:** If a ½-mile buffer is not feasible, consultation with CDFW is warranted to the Project can avoid take of SWHA. If avoidance is not feasible, take authorization through the

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issuance of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

### **California Tiger Salamander (CTS)**

CTS occurrences are documented within the vicinity of the Project (CDFW 2024), and impacts to CTS may occur during Project activities. The IS/MND acknowledges that CTS may occur within the Project site and that take may occur during normal Project activities. Mitigation Measures BIO-18 through BIO-23 propose to mitigate for CTS by developing and implementing a CTS Exclusion Fence and a Mortality Reduction and Relocation Plan, among other measures. These measures include burrow excavation and CTS relocation to occur at an unspecified time prior to construction. Several actions described in BIO-18 through BIO-23 would result in take, requiring acquisition of an ITP in accordance with Fish and Game Code section 2081 subdivision (b) prior to Project activities, in order to comply with CESA.

To evaluate potential impacts to CTS, CDFW recommends including the following mitigation measures in the IS/MND.

- **Recommended Mitigation Measure 6: Focused CTS Surveys:** CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.
- **Recommended Mitigation Measure 7: CTS Avoidance:** If CTS protocol-level surveys as described in the above Mitigation Measure 6 are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known

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

- **Recommended Mitigation Measure 8: CTS Take Authorization:** If avoidance is not feasible, take authorization through the issuance of an ITP prior to any ground disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the Project proponent can assume presence of CTS within the Project site and obtain an ITP from CDFW.

### **Tricolored blackbird (TRBL)**

The Project site contains elements that have the potential to support TRBL nesting colonies (CDFW 2024). The IS/MND indicates that the Project area has suitable nesting and foraging habitat for TRBL and includes mitigation measures for nesting birds, including conducting TRBL surveys. Mitigation Measure BIO-8 requires a qualified biologist to determine an appropriate avoidance buffer around active breeding colonies, based on CDFW and/or USFWS guidelines, biology of the species, condition of the nest, and the level of Project disturbance. The IS/MND does not provide a biological basis of how these mitigation measures are determined to be 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.

To evaluate potential Project-related impacts to TRBL, CDFW recommends including the following mitigation measures in the IS/MND.

- **Recommended Mitigation Measure 9: TRBL Avoidance:** If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agriculture Fields in 2015* (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony for survival. It is important to note that TRBL colonies can expand over time and for this reason, the colony



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should be reassessed to determine the extent of the breeding colony within 10 days for Project initiation.

- **Recommended Mitigation Measure 10: TRBL Take Avoidance:** In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If avoidance is not feasible, take authorization through the issuance of an ITP prior to any ground disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

### **Western Bumble Bee (WBB) and Crotch's Bumble Bee (CBB)**

The Project area has potential habitat for both the WBB and CBB (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 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. Suitable habitat for CBB includes grasslands and upland scrubs (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. To evaluate potential Project-related impacts to WBB and CBB, CDFW recommends including the following mitigation measures in the IS/MND.

- **Recommended Mitigation Measure 11: 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.

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In areas of suitable habitat, CDFW recommends that a qualified biologist conduct a bumble bee survey using a protocol developed according to the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) 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 12: WBB and CBB Take Authorization:** If avoidance of WBB or CBB is not feasible, take authorization through the issuance of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA.

### **Special-Status plants**

State and federally listed, and other special-status plant species are known to occur in the Project area. The IS/MND identifies special status plant species that have the potential to occur within the Project site and includes Mitigation Measures BIO-1 through BIO-5. These measures include conducting protocol level surveys utilizing CDFW protocols, avoidance buffers, and consultation with CDFW. However, a buffer distance is not included and the consultation measure is specific to a relocation plan. 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. To evaluate potential Project-related impacts to special-status plant species, CDFW recommends including the following measures in the IS/MND.

- **Recommended Mitigation Measure 13: Special-Status Plant Avoidance:** CDFW recommends special-status plant species be avoided whenever possible by delineation and observation of a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

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- **Recommended Mitigation Measure 14: 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 avoidance is not feasible, take authorization through an ITP prior to any ground disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA.

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### **Lake and Streambed Alteration**

The Project has the potential to temporarily and permanently impact streams. Project activities, including the diversion of flows, are subject to the notification requirement of Fish and Game Code section 1602, which 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.

Future on-going project operations and maintenance may involve activities within streams that are jurisdictional under Fish and Game Code section 1602. CDFW recommends coordination with CDFW staff prior to ground-breaking activities on-site or submit a Lake or Streambed Alteration (LSA) Notification to determine if the activities proposed within the streams are subject to CDFW's jurisdiction. CDFW is required to comply with CEQA in the issuance of a LSA Agreement; therefore, if the CEQA document approved for this Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. For additional information on notification requirements, please contact staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593 or [R4LSA@willife.ca.gov](mailto:R4LSA@willife.ca.gov), or the Program website: <https://wildlife.ca.gov/Conservation/LSA>.

### **EDITORIAL COMMENTS AND/OR SUGGESTIONS**

**Water Rights:** The Project description includes the diversion and storage of surface water for groundwater recharge. As stated previously, the capture of unallocated stream flows to artificially recharge groundwater aquifers is subject to appropriation and approval by the SWRCB pursuant to Water Code section 1200 et seq. CDFW recommends that the IS/MND include a detailed description of the water rights and

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water entitlements that would pertain specifically to the Project and address any applications or change petitions that may be filed. 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 special-status species and their habitats, it is advised that required consultation with CDFW occur well in advance of the SWRCB water right application process.

**Endangered Species Act Consultation:** CDFW recommends consultation with the USFWS prior to Project activity, due to potential impacts to federally listed species. 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.

**Nesting birds:** CDFW encourages Project implementation to occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project proponent 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 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 a project. In addition to direct impacts (i.e. nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW 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

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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 and notify CDFW in advance of implementing a variance.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

If you have any questions, please contact Jackson Powell, Environmental Scientist, at the (559) 899-9758 by electronic mail at [Jackson.Powell@wildlife.ca.gov](mailto:Jackson.Powell@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
E9964E60293D40A...

For Julie A. Vance  
Regional Manager

ec: Jackson Powell, Environmental Scientist,  
California Department of Fish and Wildlife

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State Clearinghouse  
Governor's office of planning and Research  
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United States Fish and Wildlife Service  
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**Attachment 1**

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

**PROJECT: Turnout on the Friant-Kern Canal at Big Dry Creek**

**STATE CLEARINGHOUSE No.: 2024061125**

<b>RECOMMENDED MITIGATION MEASURES</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Project Activity</i>	
<b>Recommended Mitigation Measure 1 SJKF Surveys and Minimization</b>	
<b>Recommended Mitigation Measure 2 SJKF Take Authorization</b>	
<b>Recommended Mitigation Measure 3 SWHA Surveys</b>	
<b>Recommended Mitigation Measure 4 SWHA Buffers</b>	
<b>Recommended Mitigation Measure 5 SWHA Take Authorization</b>	

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**PROJECT: Turnout on the Friant-Kern Canal at Big Dry Creek**

**STATE CLEARINGHOUSE No.: 2024061125**

<b>RECOMMENDED MITIGATION MEASURES</b>	<b>STATUS/DATE/INITIALS</b>
<b>Recommended Mitigation Measure 6 Focused CTS Surveys</b>	
<b>Recommended Mitigation Measure 7 CTS Avoidance</b>	
<b>Recommended Mitigation Measure 8 CTS Take Authorization</b>	
<b>Recommended Mitigation Measure 9 TRBL Avoidance</b>	
<b>Recommended Mitigation Measure 10 TRBL Take Avoidance</b>	

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**PROJECT: Turnout on the Friant-Kern Canal at Big Dry Creek**

**STATE CLEARINGHOUSE No.: 2024061125**

<b>RECOMMENDED MITIGATION MEASURES</b>	<b>STATUS/DATE/INITIALS</b>
<b>Recommended Mitigation Measure 11 WBB and CBB Surveys and Avoidance</b>	
<b>Recommended Mitigation Measure 12 WBB and CBB Take Authorization</b>	
<b>Recommended Mitigation Measure 13 Special-Status Plant Avoidance</b>	
<b>Recommended Mitigation Measure 14 Listed Plant Species Take Authorization</b>	