



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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February 6, 2025

Samual Rashe, Senior Planner
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Subject: Notice of Preparation (NOP)
Liberty Groves Project (Project)
State Clearinghouse No. 2024120992

Dear Samual Rashe:

The California Department of Fish and Wildlife (CDFW) received an NOP for an Environmental Impact Report (EIR) from Madera County for the 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 Madera County 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

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

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biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

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 section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

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

PROJECT DESCRIPTION SUMMARY

Proponent: Madera County

Objective: The Project proposes to amend the Madera County General Plan to incorporate a New Growth Area, adopt the proposed Liberty Groves Area Plan (LGAP), adopt the proposed Liberty Groves Specific Plan (LGSP), and grant additional entitlements as necessary to allow for development of residential, community commercial, and industrial land uses consistent with the proposed LGAP and LGSP.

Location: The Project site is composed of the Liberty Groves planning area and Silverdust planning area comprising a total of approximately 1,460 acres in southcentral unincorporated Madera County. The Liberty Groves planning area is located about 6 miles southeast of the City of Madera to the west, southwest of the unincorporated

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Bonadelle Ranchos-Madera Ranchos community, approximately 3.5 miles east of State Route (SR) 99, and approximately 6 miles west of SR 41. The Silverdust planning area is located approximately 1 mile west of the Liberty Groves planning area and is composed of approximately 62 acres south of Avenue 12 between Road 32 ½ and Road 33. Assessor's Parcel Numbers: 034-223-004, (034-224-005, -006), (047-190-001, -003, -010, -011, -012, -013, -015, -017, -018, -019, -020), (047-271-008, -009, -014), 047-140-003.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Madera County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the EIR prepared for the Project.

Based on a review of aerial imagery, the Project site and vicinity primarily consists of agricultural lands comprised of orchards and vineyards. Several water retention ponds and processing facilities are also located throughout the Project site. Additionally, there are several parcels within the Project site comprised of regularly tilled and fallow agricultural lands. Several areas of annual grassland habitat are also present adjacent to the Project site. Several residential houses and buildings sit adjacent along the southern section of the Project site. Root Creek travels through the southern section of the Project site and continues southwest.

Based on a review of the Project description, a review of California Natural Diversity Database (CNDDDB) records, and the surrounding habitat, the Project is within the geographic range of several special-status animal species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*), the State species of special concern American badger (*Taxidea taxus*), the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*), and the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*).

In order to support the adequate assessment of potential impacts to biological resources in the Draft Environmental Impact Report (DEIR), CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Project site, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site.

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CDFW recommends this initial work be documented within the DEIR and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used in the DEIR to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

Swainson's hawk

The Project site is within the known geographic range of Swainson's hawk (SWHA), and there is a historical occurrence documented within 2.5 miles of the Project site (CDFW 2025). SWHA are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, the Project site has suitable perching and nesting trees along the eastern perimeter and the Project site contains suitable habitat for SWHA foraging. Therefore, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) as part of the biological technical studies conducted in support of the DEIR.

In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the DEIR and any development or ground disturbance activities that are initiated as part of this Project, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee, be repeated the survey season immediately prior to the initiation of ground disturbance activities.

Recommended Mitigation Measure 2: SWHA Avoidance Buffer

If Project activities that could impact SWHA will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in

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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, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 3: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation

Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

California Tiger Salamander

The Project site is within the known geographic range of California tiger salamander (CTS), and a historical occurrence was documented within 1-mile of the Project site (CDFW 2025). CTS breed and develop in vernal and seasonal pools and stock ponds in grassland, woodland, and scrub habitat types and have been determined to be physiologically capable of dispersing up to approximately 1 ½-miles from seasonally flooded wetlands (Searcy and Shaffer 2011). These habitat features are present within the Project site, and as such, CDFW recommends 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

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Tiger Salamander” (USFWS CTS Protocol) (USFWS 2003) as part of the biological technical studies conducted in support of the DEIR.

In addition to conducting CTS surveys, CDFW recommends the DEIR include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 5: Focused CTS Protocol-level Surveys

CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS CTS Protocol (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. CDFW advises that the protocol level survey include a 100-foot buffer around 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. Note that obtaining an ITP for take of CTS from CDFW, pursuant to Fish and Game Code section 2081 subdivision (b), would assume presence of CTS and negate the need to do protocol surveys.

Recommended Mitigation Measure 6: CTS Avoidance Buffer

If CTS protocol-level surveys as described in Recommended Mitigation Measure 1 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 any areas of potential ground disturbance. Further, CDFW recommends potential or known breeding habitat 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.

Recommended Mitigation Measure 7: CTS Take Authorization

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, 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 applicant can assume presence of CTS and obtain an ITP from CDFW.

Western Burrowing Owl

The Project site is within the known geographic range of western burrowing owl (BUOW), and there is a historical occurrence documented within 4.25 miles of the

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Project site (CDFW 2025). BUOW inhabits open grasslands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover, and they are known to forge in agricultural lands. It appears that suitable burrowing and foraging BUOW habitat may be present within the Project site or vicinity. The California Fish and Game Commission (FGC) approved BUOW as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). As BUOW have the potential to be present within the Project site or Project vicinity, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) as part of the biological studies conducted in support of the DEIR.

In addition to conducting BUOW surveys, CDFW recommends the DEIR include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 8: BUOW Preconstruction Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and any development or ground disturbance activities that are initiated as part of this Project, CDFW recommends that additional surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) be repeated immediately prior to the initiation of ground disturbance activities.

Recommended Mitigation Measure 9: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during preconstruction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 10: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to

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Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Crotch's Bumble Bee

The Project site is within the known geographic range of Crotch's bumblebee (CBB) and historical occurrences have been documented within the Project vicinity (CDFW 2025). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements appear to be present within the Project site. As such, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological studies conducted in support of the DEIR to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. 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 would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). If surveys indicate the presence or potential presence of CBB, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

American Badger

The Project site is within the known geographic range of American badger (AMBA) and there is a historical occurrence documented within 3.5 miles of the Project site (CDFW 2025). AMBA occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.) (Zeiner et. al 1990). They are also able to burrow in active agricultural areas and these habitat features may be present within the Project site. As such, CDFW recommends that a qualified biologist conduct a habitat assessment for AMBA as part of the biological studies conducted in support of the DEIR. If potential habitat is present, CDFW recommends that focused surveys for AMBA be conducted to indicate the presence or potential presence of AMBA. If surveys indicate the presence or potential presence of AMBA, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation.

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Western Spadefoot

The Project site is within the known geographic range of western spadefoot (WESP) and there is a historical occurrence documented 1 mile from the Project site. WESP occurs primarily in grasslands and seasonal wetlands, which includes ephemeral depressions without any wetland vegetation, with appropriate upland habitat. These habitat features may be present within the Project site and vicinity and, as such, CDFW recommends that a general habitat assessment be conducted as part of the biological technical studies conducted in support of the DEIR. If the habitat assessment indicates the presence or potential presence of WESP, CDFW recommends focused surveys be conducted as part of the biological technical studies to inform the DEIR.

In addition to conducting WESP surveys, CDFW recommends the DEIR include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 11: Spadefoot Surveys Prior to Construction

CDFW recommends that a qualified biologist conduct focused surveys immediately prior to development and/or ground disturbance activities.

Recommended Mitigation Measure 12: Spadefoot Avoidance Buffer

If WESP are found during pre-construction surveys, avoidance whenever possible is encouraged via delineating and observing a 50-foot no-disturbance buffer around burrows. If WESP are observed, CDFW recommends that Project activities in their immediate vicinity cease and individuals be allowed to leave the Project site on their own accord. Alternatively, a qualified biologist with appropriate authorization can move them out of harm's way and to a suitable location.

Vernal Pool Fairy Shrimp

Recent vernal pool fairy shrimp (VPFS) occurrences have been noted within the Project vicinity (CDFW 2025). VPFS are small, freshwater crustaceans that complete their entire lifecycle within a variety of vernal pool habitats and temporary waters between November and early may. VPFS will disappear before vernal pools dry in the summer months but resting fairy shrimp eggs, known as cysts, will remain viable within the dried pools for years. Hatching subsequently begins in response to rains during the beginning of the rainy season. Review of aerial imagery indicates there may be habitat within the Project site or Project vicinity that have the potential to support VPFS. As such, CDFW recommends that a general habitat assessment be conducted as part of the biological technical studies conducted in support of the DEIR. If the habitat assessment indicates

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the presence or potential presence of VPFS, CDFW recommends that protocol level surveys be conducted as part of the biological technical studies to inform the DEIR and that these surveys be conducted in accordance with the USFWS “Survey Guidelines for the Listed Large Branchiopods” (USFWS 2017).

In addition to conducting VPFS surveys, CDFW recommends the DEIR include the following measures and that these measures be incorporated prior to any development or ground disturbance activities that are initiated as part of this Project:

Recommended Mitigation Measure 13: VPFS Surveys and Discussion with CDFW

CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS “Survey Guidelines for the Listed Large Branchiopods” (USFWS 2017) the survey season prior to the initiation of development and/or ground disturbance activities. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of VPFS. If through surveys it is determined that are present, discussion with CDFW is recommended well in advance of any planned development and/or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers. Additionally, consultation with USFWS may be necessary to minimize the potential for federal “take” and/or mitigate for potential impacts.

Editorial Comments and/or Suggestions

Nesting birds: CDFW encourages that all ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), developers are responsible for ensuring that implementation of a development project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW recommends that a qualified biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once development and/or ground disturbing activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes

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resulting from development and/or ground disturbing activities. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Project's DEIR be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, CTS, WESP, and VPFS. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with

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

Lake and Streambed Alteration: Multiple streams subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq., including Root Creek, appear to be present within the Project site based on a review of aerial imagery. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake 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 and may include those that are highly modified such as canals and retention basins.

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

California Natural Diversity Database: 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. In order to adequately assess any potential future project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database. The CNDDDB field survey form can be filled out and submitted online at the

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following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

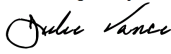
FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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 NOP to assist Madera County in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 or john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

ATTACHMENT

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

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REFERENCES

- California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. Sacramento, California, USA.
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- California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). Accessed 15 January 2025.
- Searcy, C.A. and H.B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? California State University, Chico, California, USA.
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Attachment 1

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

PROJECT: Liberty Groves Project

SCH No.: 2024120992

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
SWHA	
Recommended Mitigation Measure 1: SWHA surveys prior to construction	
Recommended Mitigation Measure 3: SWHA take authorization	
Recommended Mitigation Measure 4: SWHA foraging habitat mitigation	
CTS	
Recommended Mitigation Measure 5: Focused CTS protocol-level surveys	
Recommended Mitigation Measure 7: CTS take authorization	
BUOW	
Recommended Mitigation Measure 8: BUOW surveys prior to construction	
Recommended Mitigation Measure 10: BUOW take authorization	
WESP	
Recommended Mitigation Measure 11: WESP surveys prior to construction	
VPFS	
Recommended Mitigation Measure 13: VPFS surveys and discussion with CDFW	
<i>During Construction</i>	
SWHA	
Recommended Mitigation Measure 2: SWHA avoidance buffer	
CTS	
Recommended Mitigation Measure 6: CTS avoidance buffer	
BUOW	

Recommended Mitigation Measure 9: BUOW avoidance buffer	
WESP	
Recommended Mitigation Measure 12: WESP avoidance buffer	