



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



April 22, 2025

Ariana Mora, Senior Planner
City of Soledad
248 Main Street Soledad
Monterey, California 93960
(831) 223-5020
amora@cityofsoledad.gov

**Subject: Almond Acres
Notice of Preparation (NOP)
SCH No.: 2025030381**

Dear Ariana Mora:

The California Department of Fish and Wildlife (CDFW) received a NOP to prepare a Draft Environmental Impact Report (DEIR) from City of Soledad pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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

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).

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, activities evaluated in the Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish and Game Code, § 1600 et seq.).

Conserving California's Wildlife Since 1870

Ariana Mora, Senior Planner
City of Soledad
April 22, 2025
Page 2

Likewise, to the extent implementation of the Plan 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 may be required.

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.

PROJECT DESCRIPTION SUMMARY

Proponent: Nino Homes at Almond Acres Inc

Objective: The Project proposes to subdivide three parcels (A, B, and C), and a 55-lot single-family subdivision. A new 12-unit, multi-family apartment building would be constructed on Parcel B (0.38 acres), and stormwater improvements would be constructed on Parcel C (0.41 acres). As part of the Project, a 55-lot single-family subdivision would be constructed on the balance of the site (5.31 acres). Forty-seven of the single-family lots would be 4,250 square feet or less, with the remaining eight lots ranging from 4,500 to 7,358 square feet. A total of 67 units are planned. New internal roads would be constructed within the Project site to access all parcels and individual lots.

Location: The Project is located at 315 Orchard Lane, within Assessor’s Parcel Number (APN) 022-281-005.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Soledad in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

Based on a review of the Project description, a review of California Natural Diversity Database (CNDDDB) records, and the surrounding habitat, the Project site is within the geographic range of several special-status species, including the State candidate Crotch’s bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis*), and the State species of special concern American badger (*Taxidea taxus*).

Additionally, the Project site is within the geographic range of several special-status plant species including, but not limited to, the California Rare Plant Rank (CRPR) 1B.1

Ariana Mora, Senior Planner
City of Soledad
April 22, 2025
Page 3

Congdon's tarplant (*Centromadia parryi ssp. Congdonii*) and the federally threatened and CRPR 1B.2 Monterey spineflower (*Chorizanthe pungens var. pungens*).

Crotch's and Western Bumble bee

The Project site is within the range of Crotch's bumble bee (CBB) and Western bumble bee (WBB). CBB and WBB 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 that a qualified biologist conduct a habitat assessment to assess Project related impacts to CBB and WBB as part of the biological technical studies conducted in support of the DEIR. CDFW also recommends that a qualified biologist conduct focused surveys for CBB and WBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) as part of the biological technical studies conducted in support of the DEIR.

In addition to conducting CBB and WBB surveys, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 1: CBB and WBB Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional surveys be conducted for CBB and WBB, and their requisite habitat features, following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

Recommended Mitigation Measure 2: CBB and WBB Avoidance

If CBB or WBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB or WBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 3: CBB and WBB Take Authorization

If take cannot be avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take

Ariana Mora, Senior Planner
City of Soledad
April 22, 2025
Page 4

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) (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). Based on aerial imagery, most of the Project site contains suitable habitat for AMBA denning and foraging. As AMBA have the potential to den and/or forage within the Project site, CDFW recommends that a qualified biologist assess the presence/absence of AMBA by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the Draft EIR.

In addition to conducting a habitat assessment for AMBA, CDFW recommends the DEIR include the following:

Recommended Mitigation Measure 4: American Badger Surveys

CDFW recommends that a qualified biologist conduct focused surveys for AMBA and their requisite habitat features (dens) immediately prior to ground-disturbance activities.

Recommended Mitigation Measure 5: American Badger Avoidance

Avoidance of AMBA whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

Special-status Plants

The Project site is within the geographic range of Congdon's tarplant and Monterey spineflower. The NOP states on page 33 that a reconnaissance-level biological field survey was completed October 11, 2024, after senescence (die-off) of most floral species. As the Project site may contain suitable habitat for special-status plant species, including the species mentioned above, CDFW recommends that the Project site(s) be surveyed for special-status plants within areas of suitable habitat by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities" (CDFW 2018) as part of the biological technical studies conducted in support of the DEIR. 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.

Ariana Mora, Senior Planner
City of Soledad
April 22, 2025
Page 5

In addition to conducting special-status plant surveys, CDFW recommends the DEIR include the following:

Recommended Mitigation Measure 6: Focused Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project activities, CDFW recommends that the Project site 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 Sensitive Natural Communities” (CDFW 2018) immediately prior to initiation of Project activities. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended Mitigation Measure 7: Special-Status Plant Avoidance

CDFW recommends special-status plant species be avoided whenever possible by delineation 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 is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 8: Special-Status Plant Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would need to occur through issuance of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), or Fish and Game Code section 1900 and California Code of Regulations, title 14, section 786.9.

Ariana Mora, Senior Planner
City of Soledad
April 22, 2025
Page 6

EDITORIAL NOTES AND SUGGESTIONS

CNDDDB

Please note that the CNDDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist/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 site.

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.


CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Soledad in identifying and mitigating this Project's 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, Attachment 1, 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 Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Ariana Mora, Senior Planner
City of Soledad
April 22, 2025
Page 7

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT

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

Ariana Mora, Senior Planner
City of Soledad
April 22, 2025
Page 8

REFERENCES

California Department of Fish and Wildlife. 2018. Protocols for surveying and evaluating impacts to special status native plant populations and sensitive natural communities. California Department of Fish and Wildlife. Sacramento, California, USA.

California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act (CESA) candidate bumble bee species. Sacramento, California, USA.

California Department of Fish and Wildlife. 2025. Biogeographic information and observation system. <<https://www.wildlife.ca.gov/Data/BIOS>>. Accessed 24 March 2025.

Zeiner, D., W. Laudenslayer, Jr., K. Mayer, and M. White. 1990. California's Wildlife. Volumes I-III *in* California Department of Fish and Game, editor. California Department of Fish and Wildlife, Sacramento, California, USA.

Attachment 1

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

PROJECT: Tentative Subdivision Map No. 24003 Nino Homes at Almond Acres Inc.

SCH No.: 2025030381

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Crotch's Bumble Bee (CBB)/ Western Bumble Bee (WBB)	
Recommended Mitigation Measure 1: CBB and WBB Surveys	
Recommended Mitigation Measure 3: CBB and WBB Take Authorization	
American Badger (AMBA)	
Recommended Mitigation Measure 4: AMBA Surveys	
Special-status Plants	
Recommended Mitigation Measure 6: Focused Surveys	
Recommended Mitigation Measure 8: Special-status Plant Take Authorization	
<i>During Construction</i>	
Crotch's Bumble Bee (CBB)/ Western Bumble Bee (WBB)	
Recommended Mitigation Measure 2: CBB and WBB Avoidance	
American Badger (AMBA)	
Recommended Mitigation Measure 5: AMBA Avoidance	
Special-Status Plant Avoidance	
Recommended Mitigation Measure 7: Special-status Plant Avoidance	