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April 14, 2025

Tim Ruiz, General Manager
East Niles Community Services District
7443 Niles Street
Bakersfield, California 93306
TRuiz@eastnilescsd.org

**Subject: Nitrate Pipeline and Shalane Tank Alignment Project
Initial Study / Mitigated Negative Declaration (IS/MND)
SCH Number: 2025030567**

Dear Tim Ruiz:

The California Department of Fish and Wildlife (CDFW) received an IS/MND from East Niles Community Services District for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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 on 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

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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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 & 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.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued 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).

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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: East Niles Community Services District (ENCSD)

Objective and Project Description: The proposed Project would involve the construction and operation of two underground pipelines. The nitrate pipeline would consist of a 12-inch blending pipeline, various tie-ins to the distribution system, and additional Project area improvements that would transfer water from the municipal water storage tank located at Morning Drive to the ENCSD Well 21 site. The transferred water would be blended and treated at the Well 21 site prior to distribution to reduce nitrate levels below the regulated maximum containment levels for safe consumption. The Shalane tank alignment pipeline would consist of a 14-inch pipeline and additional Project area improvements for additional water storage within the Morning Drive Pressure Zone. Both pipelines will primarily be installed along road rights-of-way.

Location: The Project will take place within the unincorporated and incorporated areas of the eastern portion of the City of Bakersfield in Kern County. The Project will mainly occur within the right-of-way of various roads, including Morning Drive, Shalane Avenue, Monica Street, Vineyard Road, Redbank Road, and Emmy Drive. The approximate northern extent of the Project is located at Assessor's Parcel Number (APN) 388-071-01-00-8 and the approximate southern extent of the Project is located at APN 177-182-40-00-2.

Timeframe: Construction would occur between 2025 through mid-2027.

COMMENTS AND RECOMMENDATIONS

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

Currently, the IS/MND acknowledges that the Project site is within the geographic range of several special-status animal species and proposes 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

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several special-status animal species, including, but not limited to: the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*); the State and federally endangered and fully protected blunt-nosed leopard lizard (*Gambelia sila*); and the State candidate for listing western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*). CDFW is also concerned regarding potential impacts to the following special-status plant species which have potential to occupy the Project area: the State and federally endangered and California rare plant rank (CRPR) 1B.1 California jewelflower (*Caulanthus californicus*) and Bakersfield cactus (*Opuntia basilaris* var. *treleasei*); the federally endangered and CRPR 1B.1 San Joaquin woolly-threads (*Monolopia congdonii*); the CRPR 1B.1 Tejon poppy (*Eschscholzia lemmonii*); and the CRPR 1B.2 calico monkeyflower (*Mimulus pictus*). Based on a review of the Project description, a review of CNDDDB records (CDFW 2025), and the surrounding habitat, special-status species could potentially be impacted by the Project.

To evaluate potential Project related impacts to these species, CDFW recommends that a qualified biologist conduct species-specific focused habitat assessments and, if suitable habitat is present, protocol-level surveys or assumption of presence. CDFW further recommends that the results of these surveys be summarized and used to evaluate Project impacts, impact avoidance and mitigation, and potential permitting needs in the IS/MND. The IS/MND must provide quantifiable and enforceable measures as needed that will reduce impacts to less than significant levels.

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 with features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean that a species is not present at any given location. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted to determine whether or not any special-status species is present.

San Joaquin Kit Fox (SJKF)

The IS/MND states that San Joaquin kit fox (SJKF) has low potential to occur because the Project area is within and surrounded by residential development and fragmented patches of disturbed habitat, and therefore the Project will have no impact on SJKF. CDFW does not concur with this conclusion. Bakersfield is home to a significant urban population of the SJKF with multiple recorded occurrences in the California Natural Diversity Database (CNDDDB) (CDFW 2025). While the Project may not contain typical native habitat for SJKF, it is within a geographic area well known to be occupied by SJKF. In addition, any Project related ground-disturbing activity could attract SJKF. The

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urban population of SJKF has also been recorded to utilize anthropogenically altered habitats while maintaining a robust population (Cypher et al. 2013). In addition to native habitats, SJKF can den in rights-of-way, vacant lots, under buildings, and other urban habitats and populations can fluctuate over time. It is important to note that SJKF populations are known to fluctuate and a negative finding from biological surveys at any given time does not necessarily demonstrate absence of SJKF on a site. In addition, SJKF may be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. As a result, the Project may result in impacts to SJKF. To evaluate potential impacts to SJKF, CDFW recommends conducting the following evaluation and that the following mitigation measures be included in the IS/MND.

Recommended Mitigation Measure 1: SJKF Habitat Assessment

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. Suitable SJKF habitat in the urban setting would include vacant lots, oil fields, tank settings, other industrial sites with open space, areas of landscaping, parks, golf courses, sumps, and rights of way like canals.

Recommended Mitigation Measure 2: SJKF Surveys and Minimization

If suitable habitat is present, 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 Avoidance and/or Take Authorization

If the no-disturbance buffers outlined in the USFWS Protocol for SJKF is not feasible, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is required to comply with CESA.

Swainson's Hawk (SWHA)

SWHA have been documented within two miles from the Project area, and the Project is within the range of SWHA, however, the IS/MND does not discuss SWHA and it is unclear if the species was considered during the development of the IS/MND. SWHA are known to breed within the Central Valley of California and prefer to nest and forage

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in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, portions of the Project site is directly adjacent to habitat types suitable habitat for SWHA foraging. In addition, there are trees and structures located within the vicinity of the Project area that may provide suitable nesting habitat. The Project as proposed may involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA. As a result, the Project may result in impacts to SWHA. To evaluate potential impacts to SWHA, CDFW recommends conducting the following evaluation and that the following mitigation measures be included in the IS/MND.

Recommended Mitigation Measure 4: Focused SWHA Surveys

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), CDFW recommends that a qualified biologist conduct surveys for SWHA following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) during the nesting season of or prior to Project initiation, within the Project area and a ½-mile buffer around the Project area. In addition, if Project activities will take place during the 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 5: SWHA Avoidance Buffer

If Project-specific activities 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 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 6: SWHA Take Authorization

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

Blunt-Nosed Leopard Lizard (BNLL)

The IS/MND states that BNLL has a low potential to occur because the Project area is within and surrounded by residential development and fragmented patches of disturbed habitat, and therefore the Project will have no impact on BNLL. CDFW does not concur with this conclusion. While a majority of the Project does occur within residential

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development, portions of the Project occur within potential BNLL habitat, such as the Shalane tank pipeline section east of Shalane Avenue where BNLL have been detected (CDFW, 2025). Suitable BNLL habitat includes areas of grassland and upland scrub that contain requisite habitat elements, such as small mammal burrows. BNLL also use open space patches between suitable habitats, including disturbed sites, unpaved access roadways, and canals. The Project area east of Shalane Avenue is vacant land, which is continuously connected to potential BNLL habitat where BNLL has also been detected. As a result, the Project may result in impacts to BNLL. To evaluate potential impacts to BNLL, CDFW recommends conducting the following evaluation and that the following mitigation measures be included in the IS/MND.

Recommended Mitigation Measure 7: BNLL Surveys

CDFW recommends that a qualified biologist conduct protocol surveys in accordance with the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019) prior to Project implementation. This survey protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species. BNLL detection during protocol level surveys warrants consultation with CDFW to discuss how to implement ground-disturbing activities and avoid take.

Recommended Mitigation Measure 8: BNLL Avoidance Buffer

CDFW recommends that any BNLL detection, known or potentially occupied burrows, or egg clutch sites have a minimum 395-acre buffer within suitable habitat and other open spaces. This buffer is based on unpublished data from Dr. David Germano documenting that “male BNLL have home ranges up to 52 acres and that female BNLL have home ranges exceeding 98 acres, the known maximum home range sizes observed for the species, the unknown specific footprint of the individual BNLL’s home range relative to where the lizard was observed on the surface, and the unknown location of the lizard underground when construction commences.” CDFW would like to additionally refer to a 2018 study from Tennant, Germano, and others titled “Investigating blunt-nosed leopard lizard population size, demographics, space use, and future population trends on Department Ecological Reserves”. Among other findings, this study recorded female BNLL in competitive areas dispersing over a kilometer before returning back to their home range. One surveyed female was identified 1,344 meters from her original detection point (Tennant et al. 2018).

Western Burrowing Owl (BUOW)

The California Fish and Game Commission approved western burrowing owl (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 on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the

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same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The IS/MND states that BUOW has low potential to occur because the Project area is within and surrounded by residential development and fragmented patches of disturbed habitat, and therefore the Project will have no impact on BUOW. CDFW does not concur with this conclusion. The Project site is within the known geographic range of BUOW, and BUOW have been detected within two miles of the Project area. Like SJKF, BUOW are also known to occur within urbanized areas within the City of Bakersfield, for example, on the CSU Bakersfield campus. Portions of the Project are within or adjacent to undeveloped land that could provide potential habitat for BUOW. As a result, the Project may result in impacts to BUOW. To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation and that the following mitigation measures be included in the IS/MND.

Recommended Mitigation Measure 9: BUOW Surveys

CDFW recommends that a qualified biologist conduct protocol surveys for BUOW, following the *2012 Staff Report on Burrowing Owl Mitigation* (CDFG 2012), the survey season immediately prior to construction.

Recommended Mitigation Measure 10: BUOW Avoidance Buffer

Should a BUOW or known BUOW burrow (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 11: BUOW Take Authorization

If a BUOW or known BUOW burrow (active or inactive) is detected, and the no-disturbance buffers outlined in the *2012 Staff Report on Burrowing Owl Mitigation* are 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 ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Crotch's Bumble Bee (CBB)

The IS/MND states that CBB has low potential to occur because the Project area is within and surrounded by residential development and fragmented patches of disturbed habitat, and therefore the Project will have no impact on CBB. The Project is within the range of CBB and the IS/MND indicates burrows are present in the Project area. CBB primarily nest in late February through late October and are known to inhabit a variety of

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habitats, including grasslands, scrublands, openings in woodlands, areas with bare ground including vacant lots, dirt roads, and levees (Xerces Society et al. 2018). Based on information provided in the IS/MND, these habitat elements are present within and adjacent to the Project site. Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010) or leaf litter or other debris (Williams et al. 2014). Therefore, ground disturbance and vegetation removal associated with Project implementation has the potential to impact local CBB populations. To evaluate potential impacts to CBB, CDFW recommends conducting the following evaluation of the Project area and that the following mitigation measures be included in the IS/MND.

Recommended Mitigation Measure 12: CBB Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment 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.

Recommended Mitigation Measure 13: CBB Surveys

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 ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement the Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 14: CBB Avoidance Buffer

If CBB 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.

Recommended Mitigation Measure 17: CBB Take Authorization

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. 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.

Special-Status Plants

The Project site is within the range of several special-status plant species. CDFW has concerns related to the level of survey effort conducted to inform the IS/MND as reconnaissance level surveys were conducted June 14, 2024, and it is unclear if

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protocol level botanical surveys were subsequently conducted. Additionally, no mitigation measures are proposed to mitigate for potential Project-related impacts to special-status plants. As special-status plants have been documented in the Project area and have the potential to be present within the Project site, CDFW recommends the following mitigation measures be included in the IS/MND.

Recommended Mitigation Measure 15: Special-status plant Habitat Assessment and Surveys

CDFW recommends that a qualified botanist conduct a habitat assessment of the Project area well in advance of Project implementation to determine if the Project area or its vicinity contains suitable habitat for special-status plant species. If suitable habitat is present, 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 sensitive natural communities* (CDFW 2018). 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.

Recommended Mitigation Measure 16: Special-status plants Avoidance Buffers

If special-status plants are detected, CDFW recommends 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 is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 18: Special-Status Plant Consultation and Take Authorization

If State endangered, threatened, or rare plants are identified during special-status plant surveys, consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. If take cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), CDFW recommends acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b).

Editorial Comments and/or Suggestions

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

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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).

Habitat within the Project area likely provides nesting habitat for birds. For this reason, CDFW encourages that Project implementation occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted 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 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.

Endangered Species Act Consultation: CDFW recommends consultation with the USFWS prior to Project activity, due to potential impacts to federally listed and candidate species. Take under the Endangered Species Act (ESA) is differently defined than take 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.

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

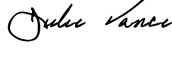
FILING FEES

The Project as proposed would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the ENCSD in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Jackson Powell, Environmental Scientist, at (559) 899-9758, or the address provided on this letterhead by electronic mail at Jackson.Powell@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1

ec: 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: Nitrate Pipeline and Shalane Tank Alignment (Project)

SCH No.: 2025030567

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 1: SJKF Habitat Assessment	
Recommended Mitigation Measure 2: SJKF Surveys and Minimization	
Recommended Mitigation Measure 3: SJKF Avoidance and/or Take Authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 4: Focused SWHA Surveys	
Recommended Mitigation Measure 6: SWHA Take Authorization	
Blunt-Nosed Leopard Lizard (BNLL)	
Recommended Mitigation Measure 7: BNLL Surveys	
Recommended Mitigation Measure 8: BNLL Avoidance Buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW Surveys	
Recommended Mitigation Measure 11: BUOW Take Authorization	
Crotch Bumble Bee (CBB)	
Recommended Mitigation Measure 12: CBB Habitat Assessment	
Recommended Mitigation Measure 13: CBB Surveys	
Recommended Mitigation Measure 14: CBB Avoidance Buffer	
Special-Status Plants	
Recommended Mitigation Measure 15: Special-status plant Habitat Assessment and Surveys	
Recommended Mitigation Measure 18: Special-Status Plant Consultation and Take Authorization	

<i>During Construction</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 5: SWHA Avoidance Buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 10: BUOW Avoidance Buffer	
Crotch Bumble Bee (CBB)	
Recommended Mitigation Measure 17: CBB Take Authorization	
Special-Status Plants	
Recommended Mitigation Measure 16: Special-status plants Avoidance Buffers	