



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 5, 2025

Dominic Tyburski, Public Works Director
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Madera, California 93637
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**Subject: Avenue 12 Improvement Project: Hwy 41 to West of Road 40
(Project)
Supplemental Environmental Impact Report (SEIR)
SCH: 2005091071**

Dear Dominic Tyburski:

The California Department of Fish and Wildlife (CDFW) received a SEIR from Madera County for the Gateway Village Specific Plan/Madera County General Plan 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 Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan 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 would appreciate it if you would 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,

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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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.

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, projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of a 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 Plan.

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).

PLAN DESCRIPTION SUMMARY

Proponent: County of Madera

Objective: The proposed Project would widen approximately 1.6 miles of Avenue 12 consistent with the Gateway Village Specific Plan (GVSP)/Madera County General Plan (MCGP) circulation diagrams. Avenue 12 would ultimately have six lanes between Riverstone Boulevard Southeast and State Route (SR) 41, four lanes between Riverstone Boulevard Southeast and approximately 200 feet west of Road 40. Other improvements include turn lanes, raised decorative medians, stormwater basins, and other street improvements (curbs, gutters, striping, designated bicycle lanes, drainage improvements). New traffic signal systems would be placed at the intersections of

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Avenue 12 and Riverstone Boulevard Southwest, Avenue 12 and Riverstone Boulevard Southeast, and Avenue 12 and Riverwalk Boulevard South.

Location: The Project is located in Madera County along Avenue 12, west of Road 40 to west of Highway 41 (SR 41). The Assessor's Parcel Numbers (APNs) include: 049-024-020, 049-024-021, 049-026-008, and 049-051-004.

Timeframe: Project construction would take place over approximately 12 months, with construction beginning mid-2025.

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 SEIR prepared for the Project.

CDFW submitted a comment letter on January 9, 2007 (2007 Letter), for the Draft Program Environmental Impact Report (DPEIR) for the GVSP, which identifies this Project within the GVSP. CDFW's 2007 Letter provided biological resource recommendations to be included within the Final Program Environmental Impact Report (FPEIR). Based on information provided in the FPEIR, biological resources mitigation measures were provided for western burrowing owl (*Athene cunicularia hypugaea*) and riparian and wetland habitats.

Currently, the SEIR acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for 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 – Central California Distinct Population Segment (DPS) (*Ambystoma californiense pop. 1*), the State candidate western burrowing owl 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*).

Swainson's hawk

The Project site is within the geographic range of Swainson's hawk (SWHA) and there are historical occurrences within 3 ½ 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

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fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, the Project vicinity contains suitable habitat for SWHA foraging. In addition, there are trees located within the Project site that may provide suitable nesting habitat and the SEIR notes tree removal is planned to occur. As such, CDFW recommends the following:

Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction

CDFW recommends that surveys, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000), be performed the season immediately prior to construction.

Recommended Mitigation Measure 2: 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 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.

California Tiger Salamander

The Project site is within the geographic range of California tiger salamander (CTS) and there are historical occurrences within a ½ mile of the Project site (CDFW 2025). Additionally, no mitigation measures were proposed to mitigate for potential Project-related impacts to the species. CTS are known to breed and develop in vernal and seasonal pools and stock ponds in grassland habitat types and have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from these habitats. As CTS have been documented in the Project vicinity, and have the potential to utilize the habitat within the Project site, CDFW recommends the following:

Recommended Mitigation Measure 4: CTS Protocol-level Surveys

CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field

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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 site 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 5: CTS Avoidance Buffer

If CTS protocol-level surveys 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 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.

Recommended Mitigation Measure 6: 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 within the Project site and obtain an ITP from CDFW.

Western Burrowing Owl

GVPEIR MM 4.4.1 states that a pre-construction survey will be conducted within 30 days of the onset of construction activities and includes two morning and two evening surveys for western burrowing owl (BUOW). This measure also incorporates procedures for avoidance and passive relocation. CDFW does not concur that GVPEIR MM 4.4.1 is sufficient to mitigate for potential significant impacts to BUOW.

CDFW would like to note that 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).

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As BUOW have the potential to be present within the Project site or Project vicinity, CDFW recommends the following:

Recommended Mitigation Measure 7: BUOW Pre-construction Surveys

CDFW recommends that focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted the survey season immediately prior to construction. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 8: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction 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 9: 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 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

The Project site is within the geographic range of Crotch's bumble bee (CBB) and suitable habitat appears to be present within the Project vicinity (CDFW 2025). Additionally, no mitigation measures were proposed to mitigate for potential Project-related impacts to the species. 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 CBB have the potential to utilize the habitat within the Project vicinity, CDFW recommends the following:

Recommended Mitigation Measure 10: 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.

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Recommended Mitigation Measure 11: CBB Focused 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).

Recommended Mitigation Measure 12: CBB Avoidance Buffers

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. 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 prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 13: CBB Take Authorization

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

American Badger

The Project site is within the known geographic range of American badger (AMBA) and suitable habitat is present within the Project vicinity (CDFW 2025). Additionally, no mitigation measures were proposed to mitigate for potential Project-related impacts to the species. 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). As AMBA have the potential to utilize the habitat within the Project vicinity, CDFW recommends the following:

Recommended Mitigation Measure 14: AMBA Focused Surveys

CDFW recommends that a qualified biologist conduct focused surveys for AMBA, as well as their requisite habitat features, prior to the initiation of construction to evaluate potential impacts resulting from ground disturbance.

Recommended Mitigation Measure 15: AMBA Avoidance Buffers

Avoidance whenever possible is encouraged via delineation and a 50-foot no disturbance buffer around burrows. CDFW also advises that any individuals observed be allowed to leave the Project site of their own volition.

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Western Spadefoot

The SEIR states that western spadefoot (WESP) could potentially be affected by the Project because “marginally suitable habitat” exists east of SR 41 near the site and could support those species. GVPEIR MM 4.4.1 is provided to reduce significant impacts to WESP to less than significant. CDFW would like to note that this measure only refers to mitigation for BUOW. As WESP have the potential to occur within the Project site, CDFW recommends the following:

Recommended Mitigation Measure 16: WESP Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment prior to the initiation of Project construction to determine whether portions of the Project site and immediate vicinity contain habitat suitable to support WESP.

Recommended Mitigation Measure 17: WESP Focused Survey

Within areas of suitable habitat, CDFW recommends that a qualified biologist conduct focused surveys for WESP prior to the initiation of construction.

Recommended Mitigation Measure 18: WESP Avoidance Buffers

If burrows, cracks, loose soil areas or other refugia are found to be used by WESP during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources. If WESP are observed on the Project site, Project activities in their immediate vicinity cease, allowing individuals to leave the Project site on their own accord.

Vernal Pool Fairy Shrimp

The Project site is within the geographic range of vernal pool fairy shrimp (VPFS) and historical occurrences have been documented within the eastern Project boundary (CDFW 2025). These small, freshwater crustaceans complete their entire lifecycle within a variety of vernal pool habitats and temporary waters between November and early May. Vernal pool fairy shrimp have been documented within grassland, agricultural, and silvicultural settings throughout California (USFWS 2007). Review of aerial imagery indicates the presence of several depressional features in the vicinity of the Project site and within the southwest parcel of the Avenue 12 and SR 41 intersection that have the potential to support VPFS. As such, CDFW recommends the following:

Recommended Mitigation Measure 19: VPFS Surveys and Consultation 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 construction. These surveys would need

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to be conducted at the appropriate time of year to determine the existence and extent of VPFS. If through surveys it is determined that VPFS are occupying or have the potential to occupy the Project site, discussion with CDFW is recommended well in advance of any planned vegetation- 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 Project 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), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey 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 around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the 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 Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. 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 Project site 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.

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Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to, CTS, WESP, and VPFS. 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 the USFWS in order to comply with FESA is advised well in advance of any Project activities.

CNDDDB Positive Submission of Data: Please note that the California Natural Diversity Database (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 wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

Lake and Streambed Alteration: The SEIR states that the Root Creek flows south of Avenue 12 and a seasonal tributary, which passes under Avenue 12 at Riverwalk Blvd. South, could be affected by the proposed Avenue 12 widening. These streams may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. 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.

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Wildlife Movement and Connectivity: The Project site and vicinity supports significant biological resources and portions of Avenue 12 support connections and movement across the broader landscape and between areas of more natural habitat. As noted in the SEIR, the Project is going to further fragment available habitat for wildlife movement within the Project vicinity. CDFW has identified important wildlife connectivity areas between the San Joaquin River corridor to the east and south of the Project site to open undeveloped landscapes to the northwest. These connections are important to maintaining regional ecological integrity. CDFW strongly recommends that on-site features that contribute to habitat connectivity should be evaluated and maintained, particularly the areas surrounding the San Joaquin River corridor and Root Creek open space. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should be identified, and addressed adequately in the SEIR, and opportunities should be evaluated to promote wildlife connectivity between the areas surrounding Avenue 12. CDFW staff is available for consultation in support of enhancing wildlife movement and connectivity as a trustee and responsible agency under CEQA.

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 the Plan or tiered project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the 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 Plan, 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).

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CONCLUSION

CDFW appreciates the opportunity to comment on the SEIR to assist Madera County in identifying and mitigating Plan impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the Madera County with incorporating the recommended mitigation measures provided above. 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>). 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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For Julie A. Vance
Regional Manager

ATTACHMENT

cc: 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.
- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 20 February 2025.
- Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.
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- U.S. Fish & Wildlife Service. 2017. Survey guidelines for the listed large branchiopods. Pacific Southwest Region, Sacramento, California, USA. Revised November 2017.
- 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: Avenue 12 Improvement Project: Hwy 41 to West of
Road 40 SEIR**

SCH No.: 2005091071

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA surveys	
Recommended Mitigation Measure 3: SWHA take authorization	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 4: CTS protocol level surveys	
Recommended Mitigation Measure 6: CTS take authorization	
Burrowing Owl (BUOW)	
Recommended Mitigation Measure 7: BUOW preconstruction surveys	
Recommended Mitigation Measure 9: BUOW take authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 10: CBB habitat assessment	
Recommended Mitigation Measure 11: CBB focused surveys	
Recommended Mitigation Measure 13: CBB take authorization	
American Badger (AMBA)	

Recommended Mitigation Measure 14: AMBA focused surveys	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 16: WESP habitat assessment	
Recommended Mitigation Measure 17: WESP focused surveys	
Vernal Pool Fairy Shrimp (VPFS)	
Recommended Mitigation Measure 19: VPFS surveys and CDFW consultation	
<i>During Construction</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 2: SWHA avoidance buffer	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 5: CTS avoidance buffer	
Burrowing Owl (BUOW)	
Recommended Mitigation Measure 8: BUOW avoidance buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 12: CBB avoidance buffers	
American Badger (AMBA)	
Recommended Mitigation Measure 15: AMBA avoidance buffer	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 18: WESP avoidance buffer	