



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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Fresno, California 93710
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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 7, 2023

Tiffany Ho, Planner III
Merced County Community and Economic Development Department
2222 M Street, 2nd Floor
Merced, California 95340

**Subject: Focused Subsequent Environmental Impact Report for the UCP Update and VST Specific Plan
State Clearinghouse No. 2001021056**

Dear Tiffany Ho:

The California Department of Fish and Wildlife (CDFW) received a Draft Subsequent Environmental Impact Report (Draft SEIR) from the Merced County Community and Economic Development Department for the above-referenced 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 Fish and Game Code.

After reviewing the provided CEQA document, CDFW concurs with the biological resources related analyses and measures proposed in the Draft SEIR and recommends that all such measures in the Draft SEIR be carried forward into the Final SEIR. CDFW has determined that the biological resource mitigation measures as currently documented in the Draft SEIR are sufficient for mitigation of potential project related impacts to listed species. As discussed in our previous comment letter dated February 18, 2022, UC Merced is currently the Permittee and authorized entity for development on the Project site under their Incidental Take Permit (2081-2009-010-04). An amendment to the Incidental Take Permit may be needed to add permittee(s) or update the ITP's Project description and associated Conditions of Approval.

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

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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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

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

CDFW appreciates the opportunity to comment on the Project to assist Merced County Community and Economic Development Department in identifying and mitigating the 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>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Krista Tomlinson for Julie A. Vance
Regional Manager

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