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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



February 11, 2020

Governor's Office of Planning & Research

**FEB 12 2020**

## STATE CLEARINGHOUSE

Ms. Alisa Goulart  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

Subject: PA-1900127 (UP) Use Permit Religious Assembly Expansion Project, Initial Study/Mitigated Negative Declaration, SCH #2020019058, City of Tracy, San Joaquin County

Dear Ms. Goulart:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the San Joaquin County Community Development Department for the PA-1900127 (UP) Use Permit Religious Assembly Expansion Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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, we appreciate 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.

### 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) and 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 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 and Game 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

<sup>1</sup> 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.

Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Dharm Singh/Sukhjot "Tony" Singh

**Location:** 16151 W. Grant Line Road in the City of Tracy, San Joaquin County, California, Assessor's Parcel Number(s) 209-190-33 and 209-190-40. The Project is located on the north side of W. Grant Line Road, 985 feet east of S. Hansen Road, northwest of the City of Tracy.

**Timeframe:** Two (2) construction phases over four (4) years.

**Description:** The Project proposes to expand an existing religious assembly from a maximum of 170 members to a maximum of 700 members in two phases over four years. Phase 1 includes the construction of a 28,965-square-foot (sf) assembly hall, a 250 sf well house, a 700 sf water pump house for fire, a 6,453 sf porch and hallway structure to connect the proposed assembly hall with a future social hall, and the conversion of an existing 6,150 sf agricultural building into a storage building. Phase 2 includes the construction of a two-story, 17,715 sf social hall with a kitchen and dining area, and an upstairs area for retreat and guest preachers. The site plan proposes three driveways off West Grant Line Road. Currently, the religious assembly utilizes, and will continue to utilize, a 4,920 sf assembly hall, a 2,500 sf office and visitor's quarters, a 1,409 sf garage and office, a 4,250 sf parsonage, and a 96 sf storage building.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist San Joaquin County Community Development Department 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 document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

### **Comment 1: Revision needed to mitigate impacts from Project phasing to less-than-significant**

The IS/MND does not include a description of timeframe or period during which construction will occur. Project activities may have additional significant biological impacts due to Project phasing over time. Phasing and the additional impacts from phasing are not discussed, analyzed, or mitigated for in the IS/MND. Projects that include multiple phases with different sections or parcels built out at different time periods or phasing that includes whole-site grading with separate sections or parcels developed at later dates have impacts over a period longer than one year. This delay in full build out of a Project allows wildlife to utilize resources that develop post-grading on vacant sections or parcels. These resources include, but are not limited to;



ruderal grassland and brush that provide nesting habitat for passerine birds and burrowing owls; infrastructure installed but not utilized that provide burrowing habitat for ground squirrels, burrowing owls, and short-eared owls; additional indirect impacts to nesting and foraging raptors with roost and nest trees adjacent to the Project site; and pooling of rainwater on parcels that provide temporary habitat for amphibians. CDFW is unable to analyze these impacts without inclusion of a description of the project's timing and implementation in relation to site preparation, infrastructure installation, and complete buildout.

To correct this, please revise and recirculate the IS/MND with a description of the Project's phasing and estimated timeframes from start of construction to complete buildout. If the Project's timeframe from start of construction to complete build out includes breaks in construction longer than 15 days or periods of inactivity that could allow establishment of habitat elements such as burrows and vegetation, then impacts to wildlife utilizing vacant sections or parcels of the Project not built out must be included in the impacts analysis to ensure the Project mitigates impacts to a level of less-than-significant. To ensure the Project is mitigating to a level of less-than-significant, CDFW recommends revising the IS/MND to include a mitigation measure for each phase of the Project that meets the following criteria: 1) a qualified biologist shall conduct a habitat assessment survey to determine what potential wildlife and habitat elements are present that may be utilizing the vacant sections and/or parcels prior to Project-related activities taking place when there is a break in these activities greater than 15-days; 2) if unbuilt or fallow sections and/or parcels are being utilized by special-status species or communities then avoidance and minimization measures (including the measures discussed in this letter) shall be used to prevent impacts and take, and 3) if impacts and take are not fully avoidable then additional compensatory mitigation shall be required in the form of permanent habitat preservation protected by a Conservation Easement with an endowment for managing the lands for the benefit of the conserved species in perpetuity, and a long-term management plan should be prepared and implemented by a land manager. The Grantee of the Conservation Easement should be an entity that has gone through the due diligence process for approval by CDFW to hold or manage conservation lands.

**Comment 2: Revision needed to mitigate to a level of less-than-significant in the event the San Joaquin Multi-Species Conservation Plan (SJMSCP or Plan) does not approve coverage**

The statement presented in the Impact Discussion in Section IV. Biological Resources of the IS/MND does not mitigate potential impacts to a level of less-than-significant. The IS/MND states that the San Joaquin Council of Governments (SJCOG) responded to the Project referral saying that the Project is subject to the Plan and that the Proponent has confirmed participation in the Plan; however, this information is not stated as an enforceable mitigation measure within the section. The IS/MND also does not propose or identify specific, sufficient, and enforceable mitigation in the event the SJMSCP does not approve coverage or the Proponent chooses to not participate based on this lack of an enforceable measure. Because participation in the Plan is voluntary, the IS/MND must include 1) an evaluation and discussion of potential direct and indirect impacts of the Project to biological resources including fish, wildlife, and their habitats, 2) avoidance and minimization mitigation measures to decrease those impacts, and 3) specific and sufficient compensatory mitigation in the event the avoidance and minimization measures



do not mitigate to less-than-significant or in the event the SJMSCP does not approve coverage of the Project in whole or part to mitigate to less-than-significant.

To correct this, please update the IS/MND to include an impacts analysis that provides an evaluation and discussion of potential quantified impacts of the Project to biological resources including fish, wildlife, and their habitats. Based on this impact analysis, please update the section to include mitigation measures that will ensure Project impacts are less-than-significant in the event SJMSCP does not approve of coverage of the Project in whole or part, or in the event the Proponent opts-out of participation in the SJMSCP.

If the impacts analysis indicates there will be direct or indirect take of CESA-listed species, and the Project cannot fully avoid take of CESA-listed species and SJMSCP does not offer take coverage, then CDFW recommends the IS/MND include language defining the Project's obligation to obtain take coverage through an Incidental Take Permit (ITP) issued by CDFW.

**Comment 3: Revision needed to mitigate impacts to special-status plants to less-than-significant**

The IS/MND identifies caper-fruited tropidocarpum (*Tropidocarpum capparideum*) as a special-status plant with the potential to occur on the Project site, but does not define avoidance measures in the event they or other special-status plants are discovered or reduce impacts to a level of less-than-significant by identifying compensatory mitigation in the event impacts to special-status plants cannot be fully avoided. CDFW recommends the IS/MND adhere to the definitions in SJMSCP by defining the Project's habitat types using the same terms used by the SJMSCP in section 2.2 of the Plan, and inclusion of a habitat map of the Project as an exhibit within a revised IS/MND. CDFW also recommends the addition of a mitigation measure in the revised IS/MND with the following language:

*"Special-Status Plant Assessment and Avoidance: A Qualified Botanist shall conduct a minimum of two (2) surveys for each special-status plant species with potential to occur within the Project Site prior to initiation of Project Activities during the appropriate blooming period in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (<https://www.wildlife.ca.gov/conservation/survey-protocols>). Report of survey findings shall be done in accordance to the guidance in these protocols and submitted to CDFW prior to Project construction."*

CDFW also recommends the measure state the following:

*"A Qualified Botanist shall develop and implement a restoration/remediation and mitigation plan according to CDFW guidelines and in coordination with CDFW. At a minimum, the plan shall include collection of reproductive structures from affected plants, a full description of microhabitat conditions necessary for each affected species, seed germination requirements, restoration techniques for temporarily disturbed occurrences, assessments of potential transplant and enhancement sites, success and performance criteria, and monitoring programs, as well as measures to ensure long-term sustainability."*

In addition, the measure should be revised to require conservation and management in perpetuity through recordation of conservation easements on lands where mitigation occurs to ensure impacts to special-status plant species are mitigated to a level of less-than-significant. Conservation lands should be placed under a Conservation Easement, an endowment should be funded for managing the lands for the benefit of the conserved species in perpetuity, and a long-term management plan should be prepared and implemented by a land manager. The Grantee of the Conservation Easement should be an entity that has gone through the due diligence process for approval by CDFW to hold or manage conservation lands.

**Comment 4: Section IV. Biological Resources does not define floristic survey protocol**

Section IV of the IS/MND does not include defined survey protocols for floristic surveys or require a qualified botanist to conduct the surveys.

To correct this, CDFW recommends Section IV. Biological Resources be revised to include adherence to CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (2018), including the reporting requirements contained in those protocols, and to indicate a qualified botanist shall conduct the surveys according to the protocols. See <https://wildlife.ca.gov/conservation/survey-protocols#377281280-plants>.

**Comment 5: Revision needed to mitigate impacts to San Joaquin kit fox to a level of less-than-significant**

The IS/MND does not mitigate potential impacts to San Joaquin kit fox (*Vulpes macrotis mutica*) to a level of less-than-significant because the IS/MND lacks an evaluation of impacts to San Joaquin kit fox and does not include either a mitigation measure that requires full avoidance of take of San Joaquin kit fox or their habitats. The IS/MND does not define avoidance measures in the event San Joaquin kit fox are discovered or reduce impacts from permanent loss of open space and movement corridors and foraging habitats or indirect impacts to foraging and denning impacts from increased construction activity to a level of less-than-significant as it does not offset those impacts with compensatory mitigation requirements. San Joaquin kit fox are designated as a State of California Endangered Species. The loss of valley and foothill grasslands due to conversion to agriculture and urbanization is the primary threat to San Joaquin kit fox populations throughout California. The U.S. Fish and Wildlife Service's *Recovery Plan for Upland Species of the San Joaquin Valley, California* (1998) states connectivity between the sub-populations of the kit fox are essential for recovery of the species. The Project's potential impacts to connectivity and permanent loss of habitat requires an impacts evaluation in a revised and recirculated IS/MND. Given the severe population declines of the species and magnitude of historic habitat loss, any impacts identified can be considered as significant and even more so when evaluated in a cumulative manner.

To correct this, CDFW recommends the IS/MND be revised and recirculated to include an impacts analysis that provides an evaluation and discussion of potential impacts of the Project to San Joaquin kit fox and their habitats. If the impacts analysis indicates there will be direct or indirect take and the Project cannot fully avoid impacts to and take of San Joaquin kit fox,



CDFW recommends the IS/MND be revised to include a measure requiring participation in the SJMSCP, or in the event SJMSCP does not cover the Project or the Proponent elects to not participate in the Plan, then CDFW recommends the IS/MND include language defining the Project's obligation to obtain take coverage through an ITP issued by CDFW.

**Comment 6: Revision needed to mitigate impacts to Swainson's hawks to a level of less-than-significant**

The IS/MND does not mitigate potential impacts to Swainson's hawk (*Buteo swainsoni*) to less-than-significant because the IS/MND lacks an evaluation of impacts to Swainson's hawks and does not include mitigation measures requiring 1) pre-construction surveys conducted according to CDFW's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000) (see <https://wildlife.ca.gov/conservation/survey-protocols#377281284-birds>), 2) avoidance measures determined by CDFW if and when Swainson's hawks are discovered at or within a half-mile of the Project site, and 3) a measure requiring participation in SJMSCP. The IS/MND does not define avoidance measures in the event Swainson's hawks are discovered or reduce impacts from permanent loss of foraging habitats or indirect impacts to nesting hawks from increased construction activity to a level of less-than-significant as it does not offset those impacts with a compensatory mitigation requirement. Swainson's hawks are designated as a State of California Threatened Species and impacts to the species and its habitat is prohibited without meeting certain conditions. The loss and conversion of native grasslands and agricultural lands to urbanization and orchard and vineyard agriculture is the primary threat to Swainson's hawk populations throughout California, and about 80 percent of the Central Valley population of Swainson's hawks are located within the Sacramento, San Joaquin, and Yolo counties region. The Project's potential impacts to this historically denser population is a significant impact that warrants mitigation to less-than-significant through the IS/MND.

To correct this, CDFW recommends the IS/MND be revised and recirculated to include an impacts analysis that provides an evaluation and discussion of potential impacts of the Project to Swainson's hawks and their habitats according to CDFW's *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (1994). If impacts are identified, CDFW recommends the IS/MND be revised to include adherence to the mitigation strategies defined in the *Staff Report* in addition to adherence to CDFW's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000) survey protocol, or require participation in the SJMSCP. If the IS/MND does not include a measure that requires participation in the SJMSCP, CDFW recommends the IS/MND be updated to include a measure requiring compensatory mitigation for impacts to Swainson's hawk nesting and foraging habitat at a minimum of a 3:1 mitigation ratio (conserved habitat to impacted habitat) for permanent impacts and a 1:1 ratio for temporary impacts, as well as language defining the project's obligation to obtain take coverage through an ITP issued by CDFW.

In the event SJMSCP does not cover the Project or the Proponent elects to not participate in the SJMSCP, CDFW recommends the following specific and enforceable measures for Swainson's hawk be incorporated into a revised and recirculated IS/MND to minimize and avoid impacts:



*"Pre-Construction Surveys for Swainson's Hawk: If work is to be conducted during the nesting season, focused surveys for active Swainson's hawk nests shall be conducted by a qualified biologist in a manner consistent with the Recommended Timing and Methodology of Swainson's Hawk Nesting Surveys in California's Central Valley (2000). At least two surveys shall be completed within two survey periods immediately prior to the Project's initiation. If a lapse in project-related work of 15 days or longer occurs, another focused survey shall be performed, and the results sent to CDFW prior to resuming work. Surveys shall be conducted in all suitable habitat located at the Project work site, in staging, storage, and stockpile areas, and along transportation routes. Surveys shall be conducted within ½-mile of the Project area. If any active Swainson's hawk nests are found within ½-mile of the Project site, CDFW shall immediately be contacted and additional survey measures may be required for Project activities."*

#### **Comment 7: Revise ISMND to include Burrowing Owl**

Although not identified in the IS/MND, burrowing owl has the potential to occur within the vicinity of the proposed Project. The burrowing owl is listed by the State of California to be a Species of Special Concern, defined as a species with declining population levels, limited ranges, and/or continuing threats which make them vulnerable to extinction (<https://wildlife.ca.gov/Conservation/SSC>). Habitat loss, degradation, and fragmentation are the greatest threats to burrowing owls in California. Loss of agricultural and other open lands (such as grazed landscapes) also negatively affect burrowing owl populations. Because of their need for open habitat with low vegetation, burrowing owls are unlikely to persist in agricultural lands dominated by vineyards and orchards or urbanized lands. Also, fossorial mammal burrows are important habitat to burrowing owl.

The Project has the potential to adversely impact the species through permanent and temporary losses of nesting and foraging habitat. The Project may also result in additional impact to burrowing owl through nest abandonment, loss of young, and reduced health and vigor of chicks (resulting in reduced survival rates) and breeding and foraging disturbance through Project activities. The IS/MND should evaluate the potential for burrowing owls to be present within and adjacent to the Project area by documenting the extent of fossorial mammals that may provide burrows used by owls during the nesting and/or wintering seasons. Burrowing owls may also use unnatural features such as debris piles, culverts and pipes for nesting, roosting or cover. If potential burrowing owl habitat is present, CDFW recommends that surveys be conducted following the methodology described in *Appendix D: Breeding and Non-breeding Season Surveys* of the CDFW Staff Report on *Burrowing Owl Mitigation* (Staff Report), which is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>.

Burrowing owl surveys should be conducted by a qualified CDFW-approved biologist. In accordance with the Staff Report, a minimum of four survey visits should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to ground disturbance with a final survey conducted within 24 hours prior to ground



disturbance. Any impacts to burrowing owl and occupied burrows during the breeding season must be avoided. CDFW recommends that any burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls also be avoided. CDFW recommends the IS/MND be revised to update the IS/MND with burrowing owl habitat assessment/survey results.

If suitable burrowing owl nest sites are present within or adjacent to the Project area, then the IS/MND should include "take" avoidance and minimization measures for the owl. Please refer to the Staff Report, section on *Mitigation Methods*, on avoiding disturbance of occupied burrows through establishment of exclusion zones. Please be advised that CDFW does not consider exclusion of burrowing owls or "passive relocation" as a "take" avoidance, minimization or mitigation method, and considers exclusion as a significant impact. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid "take." While active relocation is not considered "take" avoidance, minimization, or mitigation, if avoiding impacts to burrowing owls is not possible, active relocation of burrowing owls can be performed as a tool in conjunction with mitigation. Active relocation will require a relocation plan that includes owl banding, success criteria, long-term monitoring, management, and reporting in order to evaluate the success of this technique and determine the survival rate of relocated owls.

To ensure impacts to burrowing owls are mitigated to less-than-significant, the IS/MND should incorporate specific and enforceable avoidance and minimization measures to avoid and minimize take of burrowing owls, eggs, chicks, and nesting and foraging habitat. These measures should include: a restricted work window; biological monitoring throughout the course of the Project; and inclusion of compensatory mitigation in the form of conserved lands for burrowing owl habitat impacts. At a minimum, mitigation ratios for these habitat impacts should be at 3:1 (conservation to loss) for permanent impacts, and a 1:1 ratio for temporary impacts. Conserved lands for owls should include presence of burrowing owls and ground squirrel burrows, well-drained soils, abundant and available prey within proximity to burrows, as well as foraging, wintering, and dispersal areas. The location of mitigation areas for burrowing owls should be approved by CDFW prior to the start of project-related activities. Conservation lands should be placed under a Conservation Easement with CDFW listed as a third-party beneficiary and an endowment should be funded for managing the lands for the benefit of the species in perpetuity. Additionally, a long-term management plan should be prepared and implemented by a land manager and approved by CDFW. The Grantee of the Conservation Easement should be an entity that has gone through the due diligence process for approval by CDFW to hold or manage conservation lands.

**Comment 8: Revision needed to mitigate impacts to nesting birds to a level of less-than-significant**

Section IV. Biological Resources does not include nesting survey protocols or avoidance measures for nesting birds that may be utilizing the Project site prior to start of Project activities.



To ensure impacts to nesting birds are mitigated to a level of less-than-significant, CDFW recommends that the IS/MND be revised to include the addition of the following specific and enforceable nesting bird assessment and avoidance mitigation measure in the event nesting birds are detected:

*"Nesting Bird Assessment and Avoidance: Prior to the initiation of Project activities, including ground disturbing activities scheduled to occur between February 15 and September 15, a Qualified Biologist shall conduct a habitat assessment and nesting survey for nesting bird species no more than five days prior to the initiation of work. Surveys shall encompass all potential habitats (e.g., grasslands and tree cavities) within 250 feet of the Project site. The Qualified Biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures for birds known to nest in the Project vicinity. Surveys shall be conducted during periods of peak activity (early morning, dusk) and shall be of sufficient duration to observe movement patterns. Survey results, including a description of timing, duration and methods used, shall be submitted to CDFW for review 48 hours prior to the initiation of the Project. If a lapse in Project activity of seven days or more occurs, the survey shall be repeated, and no work shall proceed until the results have been submitted to CDFW.*

*If nesting birds are found, then no work shall be initiated until nest-specific buffers have been established with written approval from CDFW. The buffer area(s) shall be fenced off from work activities and avoided until the young have fledged, as determined by the qualified biologist. Active nests within or adjacent to the Project site shall be monitored by the qualified biologist daily throughout the duration of Project activities for changes in bird behavior or signs of distress related to Project activities. If nesting birds are showing signs of distress or disruptions to nesting, then that nest shall have the buffer immediately increased by the qualified biologist until no further interruptions to breeding behavior are detectable.*

*The Permittee or representatives of the Permittee shall not disturb or destroy the nests or eggs of fully protected species or of other birds as per Fish and Game Code section 3503."*

**Comment 9: CDFW recommends additional general measures be included in IS/MND**

CDFW also recommends the following avoidance and minimization measures to be included in the IS/MND:

*"Open Pipes Restriction: All pipes, culverts, or similar structures that are stored at the construction site (either vertically or horizontally) for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation by a Qualified Biologist."*

*"Fence and Signpost Restriction: Any fencing posts or signs installed, temporarily or permanently, throughout the course of the Project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey."*

Ms. Alisa Goulart  
San Joaquin County Community Development Department  
February 11, 2020  
Page 10

CDFW has attached a Mitigation and Monitoring Reporting Program (MMRP) with the recommended measures that should be included in the Lead Agency's revised IS/MND and MMRP.

## 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 (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 submitted online or emailed to CNDDDB at the following email address: [cnddb@wildlife.ca.gov](mailto:cnddb@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>.

## CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist San Joaquin County Community Development Department in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Ms. Andrea Boertien, Environmental Scientist, at (209) 234-3449 or [Andrea.Boertien@wildlife.ca.gov](mailto:Andrea.Boertien@wildlife.ca.gov); or to Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579.

Sincerely,



Gregg Erickson  
Regional Manager  
Bay Delta Region

Attachment

cc: Office of Planning and Research, State Clearinghouse, Sacramento  
Steve Mayo, San Joaquin County – [Mayo@sjcog.org](mailto:Mayo@sjcog.org)



**Attachment 1**

**Mitigation Monitoring and Reporting Program for California Department of Fish and Wildlife's Recommended Mitigation Measures Under the California Environmental Quality Act: PA-1900127 (UP) Use Permit Religious Assembly Expansion Project**

**STATE CLEARINGHOUSE NO.:** 2020019058

**PROJECT PROPONENT:** Dharm Singh/Sukhjot "Tony" Singh

**PROJECT:** PA-1900127 (UP) Use Permit Religious Assembly Expansion Project

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	Special-Status Plant Assessment and Avoidance: A Qualified Botanist shall conduct a minimum of two (2) surveys for each special-status plant species with potential to occur within the Project Site prior to initiation of Project Activities during the appropriate blooming period in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities ( <a href="https://www.wildlife.ca.gov/conservation/survey-protocols">https://www.wildlife.ca.gov/conservation/survey-protocols</a> ). Report of survey findings shall be done in accordance to the guidance in these protocols and submitted to CDFW prior to Project construction.	CDFW CEQA Comment Letter	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Project Proponent	
2	Restoration/Remediation and Mitigation Plan: A Qualified Botanist shall develop and implement a restoration/remediation and mitigation plan according to CDFW guidelines and in coordination with CDFW. At a minimum, the plan shall include collection of reproductive structures from affected plants, a full description of microhabitat conditions necessary for each affected species, seed germination requirements, restoration techniques for temporarily disturbed occurrences, assessments of potential transplant and enhancement sites, success and performance criteria, and monitoring programs, as well as measures to ensure long-term sustainability.	CDFW CEQA Comment Letter	Before commencing ground- or vegetation-disturbing activities	Project Proponent	
3	Pre-Construction Surveys for Swainson's Hawk: If work is to be conducted during the nesting season, focused surveys for active Swainson's hawk nests shall be conducted by a qualified biologist in a manner consistent with the Recommended Timing and Methodology of Swainson's Hawk Nesting Surveys in California's Central Valley (2000). At least two surveys shall be completed within two survey periods immediately prior to the Project's initiation. If a lapse in project-related work of 15 days or longer occurs, another focused survey shall be performed, and the results sent to CDFW prior to resuming work. Surveys shall be conducted in all suitable habitat located at the Project work site, in staging, storage, and stockpile areas, and along transportation routes. Surveys shall be conducted within ½-mile of the Project area. If any active Swainson's hawk nests are found within ½-mile of the Project site, CDFW shall immediately be contacted and additional survey measures may be required for Project activities.	CDFW CEQA Comment Letter	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Project Proponent	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	<p>Nesting Bird Assessment and Avoidance: Prior to the initiation of Project activities, including ground disturbing activities scheduled to occur between February 15 and September 15, a Qualified Biologist shall conduct a habitat assessment and nesting survey for nesting bird species no more than five (5) days prior to the initiation of work. Surveys shall encompass all potential habitats (e.g., grasslands and tree cavities) within 250 feet of the Project site. The Qualified Biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures for birds known to nest in the Project vicinity. Surveys shall be conducted during periods of peak activity (early morning, dusk) and shall be of sufficient duration to observe movement patterns. Survey results, including a description of timing, duration and methods used, shall be submitted to CDFW for review forty-eight (48) hours prior to the initiation of the project. If a lapse in Project activity of seven days (7) or more occurs, the survey shall be repeated, and no work shall proceed until the results have been submitted to CDFW.</p> <p>If nesting birds are found, then no work shall be initiated until nest-specific buffers have been established with written approval from CDFW. The buffer area(s) shall be fenced off from work activities and avoided until the young have fledged, as determined by the qualified biologist. Active nests within or adjacent to the Project site shall be monitored by the qualified biologist daily throughout the duration of Project activities for changes in bird behavior or signs of distress related to Project activities. If nesting birds are showing signs of distress or disruptions to nesting, then that nest shall have the buffer immediately increased by the qualified biologist until no further interruptions to breeding behavior are detectable.</p> <p>The Permittee or representatives of the Permittee shall not disturb or destroy the nests or eggs of fully protected species or of other birds as per Fish and Game Code section 3503.</p>	CDFW CEQA Comment Letter	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Project Proponent	
<b>DURING CONSTRUCTION</b>					
5	Open Pipes Restriction: All pipes, culverts, or similar structures that are stored at the construction site (either vertically or horizontally) for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation by a Qualified Biologist.	CDFW CEQA Comment Letter	Entire Project	Project Proponent	
6	Fence and Signpost Restriction: Any fencing posts or signs installed, temporarily or permanently, throughout the course of the Project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey.	CDFW CEQA Comment Letter	Entire Project	Project Proponent	