

MAR 10 2020

From: [Wood, Dylan@Wildlife](mailto:Wood.Dylan@Wildlife)
To: bhensley@chwd.org
Cc: [Wildlife R2 CEQA](#); [OPR State Clearinghouse](#)
Subject: Comments on the MND for the Highland Avenue Well Project (SCH: 2020039014)
Date: Tuesday, March 10, 2020 4:05:17 PM
Attachments: [image001.png](#)

STATE CLEARINGHOUSE

Dear Mr. Hensley:

The California Department of Fish and Wildlife (CDFW) received the Mitigated Negative Declaration (MND) for the Highland Avenue Well project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish and wildlife.

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, 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.

¹CEQA 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.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency 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.

Comment 1: Mitigation Measure 2 revisions needed to mitigate impacts to nesting birds to a level of less-than-significant.

Page 3-17 of the MND identifies impacts to nesting birds and corresponding mitigation. CDFW recommends updating the measure to more accurately capture the bird nesting season and more effectively minimize impacts to birds and bird nests. Proposed revisions are below:

*CHWD or the construction contractor shall schedule vegetation removal and ground clearing activities prior to the initiation of nesting activity (**February**) or after fledging (**End of August**). If CHWD determines that it is infeasible to avoid construction during the nesting season, **a qualified biologist** shall conduct pre-construction*

surveys between **February 1** and **August 31** in potential nesting habitat to identify nest sites. If an active raptor nest or sensitive natural communities are observed within 500 feet of the Project site, CHWD shall contact California Department of Fish and Wildlife (CDFW) for guidance and/or establish a 500-foot buffer around the nest tree. If a passerine bird nest or **other non-raptor nest** is observed during surveys, a 100-foot buffer around the nest shall be established or consultation with CDFW shall be conducted for a reduced buffer zone based on nesting phenology, site conditions, and recommendation(s) of a biological monitor. Construction activities in the buffer zone shall be prohibited until the young have fledged.”

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental documents 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:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. 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: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

CONCLUSION

CDFW appreciates the opportunity to comment and assist the Lead Agency in identifying and mitigating project impacts on biological resources.

Please contact me at 916-358-2384 or dylan.a.wood@wildlife.ca.gov if you have any questions.

Sincerely,

Dylan Wood

California Department of Fish and Wildlife
Environmental Scientist
(916) 358-2384

