
APPENDIX B

PUBLIC SCOPING COMMENTS

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NATIVE AMERICAN HERITAGE COMMISSION

October 3, 2024

Sophia Pagoulatos
City of Fresno
2600 Fresno Street
Room 3043
Fresno CA 93721

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Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

Re: 2024091129 Vehicle Miles Traveled Reduction Program Project, Fresno County

Dear Ms. Pagoulatos:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cameron.Vela@NAHC.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse

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PUBLIC SCOPING MEETING
Vehicle Miles Traveled Reduction Program
Environmental Impact Report
Monday, October 21, 2024

NAME: Feng Teter
ADDRESS: 4496 N Backer Ave #109 CITY: Fresno ZIP: 93726
EMAIL ADDRESS: fengkt1@mail.fresnostate.edu
REPRESENTING: myself

Do you wish to be added to the project mailing list? ☒ YES ☐ NO

Please drop comments in the Comment Box or mail them to:

Sophia Pagoulatos
Planning Manager
City of Fresno – Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721
(559) 621-8062
Sophia.Pagoulatos@fresno.gov

The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the **environmental issues** to be addressed in the EIR (please print).

When addressing transportation, I don't think we should allow hydrogen powered vehicles to be considered, especially not for public transit. I want expanded public transit options that are reliable and timely. I want light rail in Fresno, so please consider it when expanding public transit. And when updating active transportation infrastructure, please consider carbon inputs for things like the concrete.

Please comment by October 28, 2024

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PUBLIC SCOPING MEETING
Vehicle Miles Traveled Reduction Program
Environmental Impact Report
Monday, October 21, 2024

NAME: Robert Cordova
ADDRESS: 4966 N Backer Ave Apt 109 CITY: FRESNO ZIP: 93726
EMAIL ADDRESS: robertcordova@mail.fresnostate.edu
REPRESENTING: Fresno State Sustainability Club

Do you wish to be added to the project mailing list? ☐ YES ☒ NO

Please drop comments in the Comment Box or mail them to:

Sophia Pagoulatos
Planning Manager
City of Fresno – Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721
(559) 621-8062
Sophia.Pagoulatos@fresno.gov

The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the **environmental issues** to be addressed in the EIR (please print).

While the California Air Resources Board considers
hydrogen fuel to be a renewable energy source, it is
primarily produced through steam reformation of natural
gas. The extraction of natural gas for this process
occurs at natural gas wells which are known to
leak between 8-10% of their total output into
the atmosphere; methane in the atmosphere is
60-80 times more potent in greenhouse warming
potential than carbon dioxide. Therefore, I request
that this EIR not consider hydrogen as a
viable energy source for reducing program
emissions. Hydrogen fuel is another way for
the fossil fuel industry to profit from pollution.

Please comment by October 28, 2024

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California Department of Transportation

DISTRICT 6 OFFICE

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October 28, 2024

FRE-GEN
CITY OF FRESNO
EIR NOP
VMT REDUCTION PROGRAM
GTS #: [FRE-2024-02073](#)

SENT VIA EMAIL

Ms. Sophia Pagoulatos
Planning Manager
City of Fresno – Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Dear Ms. Pagoulatos:

Caltrans has completed review of the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Vehicle Miles Traveled (VMT) Reduction Program (Program).

The Program will apply to development within the city limits of Fresno and intends to streamline the Senate Bill (SB) 743 compliance process for development projects while funding future VMT improvement projects. The Program would identify relevant transportation demand management (TDM) strategies and VMT-reducing projects within Fresno to be funded by mitigation fees from developments that trigger potentially significant VMT impacts under CEQA.

The Program's intent of reducing citywide VMT includes two major components that can be applied to new development with VMT impacts:

- 1) an Urban Design Calculator (UDC), which estimates potential VMT reductions for development projects through incorporation of various design elements; and
- 2) a mitigation fee (supported by a nexus study) and mitigation bank, which would be used to fund VMT-reducing projects throughout Fresno.

The Programs potential VMT reducing measures may include:

- 1) active transportation improvements,
- 2) multi-modal transportation programs, and
- 3) improved street connectivity, including bicycle, pedestrian, and transit facilities.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation

network. Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans acknowledges the Program's condition on page 31 under Significance Thresholds for Transportation Projects that,
"For projects on the State highway system, Caltrans will use and will require sponsoring agencies to use VMT as the CEQA metric, and Caltrans will evaluate the VMT that is attributable to the project (Caltrans Draft VMT Focused Transportation Impact Study Guide 2020). Caltrans may review environmental documents for capacity enhancing projects for the City's analysis of VMT change."
2. Caltrans agrees with the City's adopted CEQA Guidelines for Vehicle Miles Traveled Thresholds (Guidelines) which indicates on page 24, the method of reducing GHG by 13 percent is to reduce VMT by 13 percent. The State of California recognizes Fresno County's contribution to the aggregate 15 percent statewide GHG emission reduction is 13 percent. Reduction in GHG directly corresponds to reduction in VMT. In order to reach the statewide GHG reduction goal of 15 percent, the City must reduce GHG by 13 percent.
3. Caltrans acknowledges the numerous mitigation measure identified in the Guidelines Appendices from the California Air Pollution Control Officers Association (CAPCOA) report on Quantifying Greenhouse Gas Mitigation Measures (CAPCOA Green Book) and the California Air Resources Board (CARB).
4. Caltrans concurs with the Guidelines conclusion on page 44, recommending that the City work collaboratively within its regions to ultimately establish fee programs, mitigation banks, and exchanges as the most efficient way to establish a regional mitigation pathway where the projects can contribute. As indicated in the Guidelines, VMT impacts are more regional in nature. Hence, there might be requirements for mitigations outside the control of the City, and without consent from the agency controlling the mitigations, the impacts might remain significant and unavoidable. Additionally, identification of regional improvements where projects can contribute their fair share to mitigate impacts might prove to be difficult.

If you have any other questions, please call David Deel, Associate Transportation Planner at (559) 981-1041.

Sincerely,



Mr. DAVE PADILLA, Branch Chief,
Local Development Review Branch
Office of Multimodal Transportation Planning
Division of Transportation Planning & Local Programs

October 28, 2024

Sophia Pagoulatos
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Project: Notice of Preparation of an Environmental Impact Report for the Vehicle Miles Traveled Reduction Program

District CEQA Reference No: 20241121

Dear Ms. Pagoulatos:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) from the City of Fresno (City) for the Vehicle Miles Traveled (VMT) Reduction Program. Per the NOP, the project consists of the establishment of a VMT Reduction Program intended to reduce Citywide VMT by establishing mitigation for future development projects in Fresno through developing an Urban Design Calculator that estimates potential VMT reductions for development projects through incorporation of various design elements and the use of a mitigation fee which would be used to fund VMT-reducing projects throughout the City (Project). The Project covers development projects in Fresno, California. The Project includes area within one of the communities in the state selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities. See Figure 1 below.

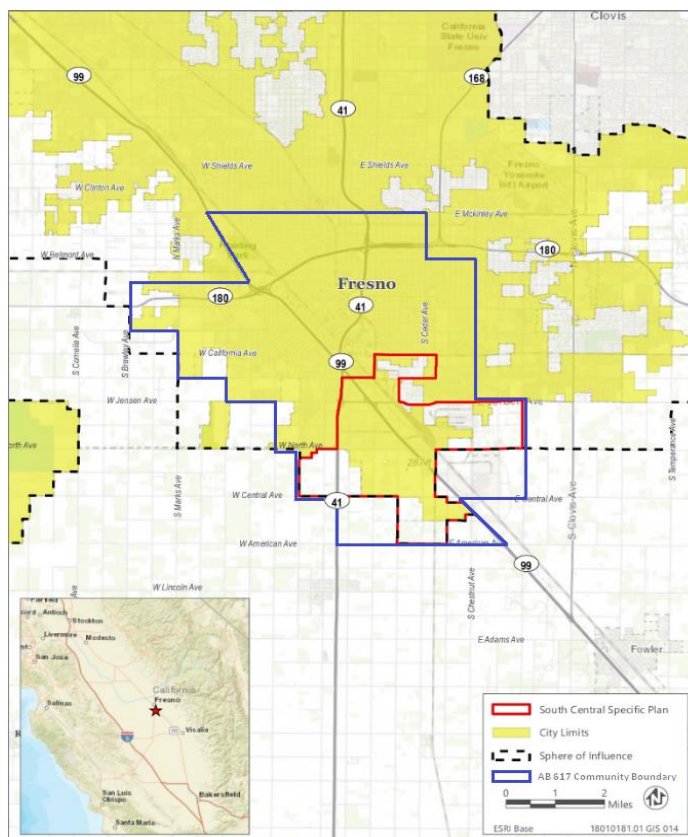
Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

Figure 1: Boundaries of the South Central Fresno AB617 Community



The District offers the following comments at this time regarding the Project:

1) Ongoing Commitment to Strengthen Working Relationship

The District appreciates the City's ongoing commitment to strengthen the working relationship with the District, in identifying and mitigating impacts on air quality through the California Environmental Quality Act (CEQA) review process.

Consistent with this cooperative effort and in order to address air quality impacts and concerns prior to future development projects occurring, the District recommends that the City develop administrative mechanisms and policies that ensure consistency in providing the District with information about projects under consideration by the City, such as land use designation, project size, and proximity to sensitive receptors and existing emission sources. To aid the City in determining a project's potential impacts, the District recommends the City provide an assessment evaluating potential project construction and operation related to air quality impacts to the District as early as possible. Additionally, the District is available to work with the City and project applicants on future development projects

to address air quality impacts and concerns. The District encourages the City to include a section that advises project applicants to reach out and work with the District. The District's goal is to assist with enhancing project designs in the early stages of the planning process for a better overall project with minimized impact on air quality and early identification of feasible mitigation measures.

2) Land Use Planning

Nearly all development projects within the San Joaquin Valley Air Basin, from program-level projects to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. The District acknowledges that the Project will be incorporating strategies that reduce VMTs and the District recommends that the Project require the cleanest available heavy duty trucks, vehicles, and off-road equipment, including zero and near-zero technologies. VMTs can be reduced through encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at: <https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

In addition, the District recommends that the Project incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of California Air Resource Board's (CARB's) Freight Handbook Concept Paper, to the extent feasible. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at: https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf

3) Project Siting

The Project is intended to supplement the blueprint for future growth and provides guidance for the community's development. Without appropriate mitigation and associated policy, future development projects within the City may contribute to negative impacts on air quality due to increased traffic and ongoing operational emissions. Appropriate project siting helps ensure there is adequate distance between differing land uses, which can prevent or reduce localized and cumulative air pollution impacts from business operations that are in close proximity to receptors (e.g., residences, schools, health care facilities, etc.).

The Project's siting-related goals, policies, and objectives should include measures and concepts outlined in the following resources:

- CARB's Air Quality and Land Use Handbook: A Community Health Perspective. The document includes tables with recommended buffer distances associated with various types of common sources (e.g., distribution centers, chrome platers, gasoline dispensing facilities, etc.), and can be found at: <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>
- CARB's Freight Handbook Concept Paper: This document compiles best practices designed to address air pollution impacts, which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities, and can be found at: https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf

4) Assembly Bill 617

AB 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The South Central Fresno AB 617 community is one of the statewide communities selected by CARB for development and implementation of a CERP.

Following extensive community engagement and collaboration with the Community Steering Committee, the CERP for the South Central Fresno Community was adopted by the District's Governing Board in September 2019 and by CARB in February 2020.

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies. Furthermore, the District recommends the Project assess the emission reductions measures and strategies included in the CERP and address them in the EIR, as appropriate, to align the City work with the air pollution and exposure reduction strategies and measures outlined in the CERP.

For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:

<http://community.valleyair.org/selected-communities/south-central-fresno>

5) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM_{2.5}) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} standards.

As such, the District recommends that the EIR stipulate that future development projects within the Project identify and characterize project construction and operational air emissions. The District recommends the air emissions be compared to the District significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>. The District recommends that future projects be mitigated to the extent feasible, and that future projects with air emissions above the aforementioned thresholds be mitigated to below these thresholds.

The District understands that the Project is a program-level project where future individual project-specific data may not be available at this time. The EIR should include a discussion of policies, which when implemented, will require assessment and characterization of project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level.

6) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors.

The District recommends the City evaluate HHD truck routing patterns for future development projects within the City, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

7) Electric Infrastructure

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City encourage project proponents to install electric vehicle chargers at project sites, and at strategic locations.

Please visit <https://ww2.valleyair.org/grants/charge-up> for more information.

8) District's Bikeway Incentive Program

Incorporating design elements (e.g., installing bikeways) within the Project area that enhance walkability and connectivity can result in an overall reduction of VMT and improve air quality within the area. The Bikeway Incentive Program provides funding for eligible Class I (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at:
<https://ww2.valleyair.org/grants/bike-paths/>

Guidelines and Project Eligibility for the grant program can be found at:
<https://ww2.valleyair.org/media/drpijuw1/bikeway-program-guidelines-62515.pdf>

9) District Rules and Regulations

9a) District Rule 9510 - Indirect Source Review (ISR)

Future development projects within the City may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

Table 1: ISR Applicability Thresholds

Development Type	Discretionary Approval Threshold	Ministerial Approval / Allowed Use / By Right Thresholds
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,00 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NO_x or two tons of PM.

The purpose of District Rule 9510 is to reduce the growth in both NO_x and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The Rule requires developers to mitigate their NO_x and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

In the case the individual development project is subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

9b) District Rule 9410 (Employer Based Trip Reduction)

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:
<https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/>.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

If you have any questions or require further information, please contact Matt Crow by e-mail at Matt.Crow@valleyair.org or by phone at (559) 230-6000.

Sincerely,

Tom Jordan
Director of Policy and Government Affairs



For: Mark Montelongo
Program Manager



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 29, 2024

Sophia Pagoulatos, Planning Manager
City of Fresno – Planning and Development Department
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Sophia.Pagoulatos@fresno.gov

**Subject: City of Fresno Vehicle Miles Traveled (VMT) Reduction Program
(Program)
Notice of Preparation (NOP)
SCH No. 2024091129**

Dear Sophia Pagoulatos:

The California Department of Fish and Wildlife (CDFW) received a NOP to prepare a Draft Environmental Impact Report (DEIR) from the City of Fresno for the Program pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Program that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Program 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 respectfully requests that City of Fresno 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 & 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

Conserving California's Wildlife Since 1870

Sophia Pagoulatos, Planning Manager
City of Fresno
October 29, 2024
Page 2

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, reasonably foreseeable future project's tiered from this Program may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future project's tiered from this Program 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 authorization as provided by the Fish and Game Code may be required.

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 projects tiered from this Program.

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).

PROGRAM DESCRIPTION SUMMARY

Proponent: City of Fresno

Objective: The proposed Program aims to establish a VMT Reduction Program with the intent of reducing citywide VMT by establishing mitigation for future development projects in the City of Fresno. The VMT Reduction Program includes two major components that can be applied, individually or in combination, to new development with VMT impacts: an Urban Design Calculator (UDC), which estimates potential VMT reductions for development projects through incorporation of various design elements; and a mitigation fee (supported by a nexus study) and mitigation bank, which would be used to fund VMT reducing projects throughout Fresno. The VMT Reduction Program would identify relevant transportation demand management (TDM) strategies and VMT-reducing projects within the City of Fresno to be funded by mitigation fees from developments that trigger potentially significant VMT impacts under CEQA. Potential VMT-reducing measures may include active transportation improvements, multi-modal

Sophia Pagoulatos, Planning Manager
City of Fresno
October 29, 2024
Page 3

transportation programs, and improved street connectivity, including bicycle, pedestrian, and transit facilities. The Program intends to streamline the Senate Bill (SB) 743 compliance process for development projects while funding future VMT improvement projects.

Location: The proposed Program will apply to development within the city limits of Fresno.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Fresno in adequately identifying and/or mitigating the Program'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 document for this Program.

The NOP indicates that the DEIR for the Program will consider potential environmental effects of the proposed Program to determine the level of significance of the environmental effects and will analyze these potential effects to the detail necessary to make a determination on the level of significance. The DEIR will also identify and evaluate alternatives to the proposed Program. When a DEIR is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation.

Special-Status Species

Based on aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDDB) (CDFW 2024), the proposed Program area is known to and/or has the potential to support special-status species, and these resources need to be evaluated and addressed prior to any approvals associated with the Program that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to:

The State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), the State and federally endangered least bell's vireo (*Vireo bellii pusillus*), the State endangered and federally threatened succulent owl's clover (*Castilleja campestris* var. *succulenta*), the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis*), the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State candidate burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*), the State species of special concern and federally threatened steelhead – Central Valley Distinct Population Segment (DPS) (*Oncorhynchus mykiss irideus* pop. 11), the State species of special

Sophia Pagoulatos, Planning Manager
 City of Fresno
 October 29, 2024
 Page 4

concern and federally proposed threatened western pond turtle (*Actinemys marmorata*) and western spadefoot (*Spea hammondi*), the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*), the State species of special concern American badger (*Taxidea taxus*), western mastiff bat (*Eumops perotis californicus*), coast horned lizard (*Phrynosoma blainvillii*), northern California legless lizard (*Anniella pulchra*), and the California Rare Plant Rank (CRPR) 1B.2, Sanford's arrowhead (*Sagittaria sanfordii*), and shining navarretia (*Navarretia nigelliformis ssp. radians*).

Riparian Habitat Proximity: Riparian natural communities along the San Joaquin River and related tributaries within the City of Fresno provide many essential benefits to terrestrial, avian and aquatic species, including, but not limited to thermal protection, cool water refugia, cover, large woody debris, foraging areas, breeding and rearing sites, habitat and connectivity corridors, as well as buffers to sedimentation and runoff from adjacent land uses. Direct and indirect impacts into these habitat types can adversely impact sensitive species including but not limited to bald eagle, least bell's vireo, Swainson's hawk, and steelhead - Central Valley DPS as well the San Joaquin River spring run Chinook salmon population, which is currently being restored through implementation of the San Joaquin River Restoration Project. These impacts can lead to reduction of habitat, reduced reproductive success; reduced health and vigor; nest abandonment; loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young); and introduction of debris and/or deleterious materials into river habitats. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosfokske et al. 1998, Kiffney et al. 2003, Moore et al. 2005). CDFW recommends the Program establish sufficient buffer zones from riparian habitat.

Federally Listed Species

CDFW recommends projects tiered from this Program consult with the U.S. Fish and Wildlife Service (USFWS) on potential impacts to federally listed species. Take under the Federal Endangered Species Act (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 ground disturbing activities.

Cumulative Impacts

Given that a Program serves primarily as a planning tool and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all potential biological resources that will either be significantly or potentially significantly impacted by implementation of the this

Sophia Pagoulatos, Planning Manager
 City of Fresno
 October 29, 2024
 Page 5

Program, including those impacts that are determined to be less than significant with mitigation incorporated for those resources that are rare or in poor or declining health and will be impacted by any future project, even if those impacts are expected to be relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

California Endangered Species Act

Reasonably foreseeable future projects tiered from this Program may be subject to CDFW's regulatory authority pursuant to the California Endangered Species Act (CESA). In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid "take," or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW advises that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from this Program.

CDFW therefore recommends that the DEIR for this Program include information related to these requirements and advises that projects tiered from this Program retain a qualified biologist to determine if potential impacts to CESA listed species may require the need to obtain a State ITP.

Lake and Stream Alteration

Reasonably foreseeable future projects tiered from this Program may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. 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 project proponents 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; or (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 in nature. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration (LSA) Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

Sophia Pagoulatos, Planning Manager
City of Fresno
October 29, 2024
Page 6

CDFW therefore recommends that the DEIR for this Program include information related to these requirements of Fish and Game code and advise that projects tiered from this Program that conduct ground disturbing activities retain a qualified biologist to determine if potential impacts to streams may require the need to obtain a 1600 LSA Agreement.

Botanical Surveys

CDFW recommends that the DEIR for this Program include a measure requiring that each project site for projects implemented within the Program area that include ground disturbance activities be surveyed by a qualified botanist for any possible special-status plants following the “Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities” (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) during biological technical studies completed in support of the future CEQA documents tiered from this Program. CDFW recommends that the plant surveys be floristic and, if necessary, utilize known reference sites for special-status plants in order to provide a high level of confidence in the effort and results. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the USFWS be conducted to determine permitting needs.

Nesting birds

CDFW recommends that all projects tiered from this Program that include ground disturbance activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15 through September 15), each future project applicant is responsible for ensuring that implementation of their project does not result in a violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate future project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct an assessment of nesting habitat during biological surveys in support of each project’s CEQA document, and then conduct pre-activity surveys 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 each future project 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, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to

Sophia Pagoulatos, Planning Manager
City of Fresno
October 29, 2024
Page 7

detect behavioral changes resulting from each future 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 that 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 compelling biological or ecological reason to do so, such as when the construction areas 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.

CEQA Alternatives Analysis

CDFW recommends that the information and results obtained from the cumulative impacts analysis conducted as part of this Program's CEQA document be used to develop and modify the Program's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. Please note that for all future projects tiered from this Program, that when efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

CNDDDB

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 and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. All project's tiered from this Program that include activities for ground disturbance should adequately assess any potential project-related impacts to biological resources by ensuring biological surveys are conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology as warranted in order to determine whether or not any special-status species are present at or near the project area.

Sophia Pagoulatos, Planning Manager
City of Fresno
October 29, 2024
Page 8

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 surveys to the 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

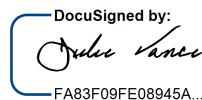
The Program, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order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

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Fresno in identifying and mitigating this Program'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>). Questions regarding this letter or further coordination should be directed to Kelley Nelson, Environmental Scientist, at (559) 580-3194 or Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

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City of Fresno
October 29, 2024
Page 9

ec: CESA R4CESA@wildlife.ca.gov

LSA R4LSA@wildlife.ca.gov

FWS Justin_Sloan@fws.gov

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

Sophia Pagoulatos, Planning Manager
City of Fresno
October 29, 2024
Page 10

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