

**From:** Vogler, William@DWR <William.Vogler@water.ca.gov>  
**Sent:** Friday, October 25, 2024 9:26 AM  
**To:** Rebecca Keenan  
**Subject:** RE: Cameron Creek Linear Recharge Project DRAFT IS/MND  
**Attachments:** 2024100477.pdf

Rebecca –

You do not need to send me the additional information that I previously requested. With the information provided in the project’s IS/MND, we were able to determine that the three proposed check structures do not meet the criteria to have these in the DSOD’s State jurisdiction.

Please let me know if you have any additional questions.

Take care,

Bill

*Bill Vogler, P.E.*  
Area 7, Senior Engineer  
Division of Safety of Dams  
CA Department of Water Resources  
916-565-7828 (office)  
916-820-7875 (cell)

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**From:** Rebecca Keenan <Rebecca.Keenan@visalia.city>  
**Sent:** Thursday, October 24, 2024 4:45 PM  
**To:** Vogler, William@DWR <William.Vogler@water.ca.gov>  
**Subject:** Cameron Creek Linear Recharge Project DRAFT IS/MND

You don't often get email from [rebecca.keenan@visalia.city](mailto:rebecca.keenan@visalia.city). [Learn why this is important](#)

Hi Mr. Vogler,

Thank you for reaching out regarding the Cameron Creek Linear Recharge Project DRAFT IS/MND. I’ve routed your questions and contact information over to our Consultant, and they are currently preparing a response. I expect that they will have something over to you by sometime next week.  
Thank you.

*Warmly,*

*Rebecca Keenan, P.E.*  
ENGINEERING & BUILDING DEPT.  
CITY OF VISALIA  
315 E. Acequia Ave.  
Visalia, CA 93291  
Phone: (559) 713-4541

October 30, 2024

Rebecca Keenan  
City of Visalia  
315 East Acequia Avenue  
Visalia, CA, 93291

**Project: Initial Study/Mitigated Negative Declaration for Cameron Creek Linear Recharge Project**

**District CEQA Reference No: 20241179**

Dear Ms. Keenan:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Visalia (City) for the Cameron Creek Linear Recharge project. Per the MND, the project consists of the construction of three (3) reinforced concrete check structure facilities within the Cameron Creek channel totaling 7,500 square feet of disturbed area (Project). The Project is located in Tulare County, CA just outside of the southeastern quadrant of the City of Visalia.

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

**1) Project Related Construction Emissions**

The District recommends, to further reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

**2) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way  
Modesto, CA 95356-8718  
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**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

**2a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

**2b) District Rule 9510 - Indirect Source Review (ISR)**

The District has reviewed the information provided and has determined the project size is below the District Rule 9510, section 2.1 applicability threshold of 9,000 square feet of space. Therefore, District Rule 9510 requirements and related fees do not apply to the project.

**2c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>

## **2d) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

## **2e) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

**3) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Eric McLaughlin by e-mail at [eric.mclaughlin@valleyair.org](mailto:eric.mclaughlin@valleyair.org) or by phone at (559) 230-5808.

Sincerely,

Tom Jordan  
Director of Policy and Government Affairs



For: Mark Montelongo  
Program Manager

cc: Briza Sholars  
Provost & Pritchard Consulting Group  
400 E. Main Street, Suite 300  
Visalia, CA 93291-6337  
[BSholars@ppeng.com](mailto:BSholars@ppeng.com)



State of California – Natural Resources Agency  
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Central Region  
1234 East Shaw Avenue  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



November 13, 2024

Rebecca Keenan, Engineer  
City of Visalia  
315 East Acequia Avenue  
Visalia, California 93291  
(559) 713-4636

**Subject: Cameron Creek Linear Recharge Project (Project)  
Mitigated Negative Declaration (MND)  
State Clearinghouse No.: 2024100477**

Dear Rebecca Keenan:

The California Department of Fish and Wildlife (CDFW) received a MND from City of Visalia, as Lead Agency, for the above-referenced Project pursuant to 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, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW respectfully requests that City of Visalia still consider our comments.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, 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,

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<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.

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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 & G. 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 Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the Project planning process if an ITP may be pursued for the Project.

**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).

**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 under CEQA Guidelines section 15380, CDFW recommends it should be fully considered in the environmental analysis for the Project.



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**Water Rights:** The capture of unallocated stream flows is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1200 et seq. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** City of Visalia

**Objective:** The Project proposes to construct up to three (3) reinforced concrete check structure facilities within the Cameron Creek channel. The check structures would be equipped with control gates and weir boards capable of passing high flows (250 cubic feet per second) while maintaining high water levels in the channel making Cameron Creek a linear recharge basin. Excavation for construction will be minimal and would only be the amount necessary for constructing the structures. Excavation through the creek channel and embankment would reach approximately 65 feet horizontally at a depth of about 10 feet from top of bank (excavation from channel bottom will likely be 3-4 feet). Once completed, excavated soil would be backfilled around the structure and the channel prism re-graded to match existing conditions. No material export is anticipated, and earthwork would be balanced on site.

**Location:** The Project site is located within Cameron Creek where it diverts from Tulare Irrigation District's Main Intake Canal, east of Road 156, with the end location northeast of the Lovers Lane and Caldwell Avenue intersection in Tulare County. The centroid of the Project is 36° 18' 24.19" N, 119° 15' 01.48" W. Lands surrounding Cameron Creek contain both Tulare County and the City of Visalia designations.

**Timeframe:** The Project would commence in September 2025 and is anticipated to be constructed within approximately four months.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations to assist the City of Visalia 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 CEQA document prepared for this Project.



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According to the MND and a review of aerial imagery, the Project site and surrounding Cameron Creek are largely comprised of ruderal herbaceous habitat surrounded by agricultural lands including orchards.

Currently, the MND acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant; however, CDFW has concerns about the ability of some proposed mitigation measures to reduce impacts to less than significant and to avoid unauthorized take for several special-status species including, but not limited to, the State threatened Swainson's Hawk (*Buteo Swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); and the State species of special concern American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), western matif bat (*Eumops perotis californicus*), and loggerhead shrike (*Lanius ludovicianus*).

### **Comment 1: Swainson's Hawk**

Table 4-10 of the MND, List of Special-Status Animals with Potential to Occur on the Area of Potential Effect (APE), notes that a Swainson's Hawk (SWHA) was observed flying over the APE and into a nearby tree during the reconnaissance survey for the Project. Mitigation measures BIO-3 through BIO-5 detail general migratory bird, raptor, and special-status bird measures, and include survey measures for SWHA that will be implemented as part of this Project. CDFW concurs with implementing mitigation measure BIO-3 to BIO-5 to minimize potential impacts to nesting birds, but recommends surveys be conducted following the entirety of the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000). Please note the survey protocol includes early season surveys to assist the Project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities. CDFW also recommends the following mitigation measures be incorporated:

#### **Recommended Mitigation Measure 1: SWHA Buffers**

If an active SWHA nest is found during focused surveys, CDFW recommends implementing a minimum ½-mile no-disturbance buffer 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 site for survival.

#### **Recommended Mitigation Measure 2: SWHA Take Authorization**

If a ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted, and an ITP for SWHA may be necessary prior to project implementation to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision (b).

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### Comment 2: Burrowing Owl

The California Fish and Game Commission (FGC) approved western burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The MND includes Mitigation Measures BIO-6 through BIO-8 to mitigate for potential impacts to BUOW, as the Project site is within the known geographic range of burrowing owl (BUOW) and the Project area contains suitable habitat for BUOW nesting and foraging. As BUOW is now a candidate under CESA, CDFW recommends that the Project's mitigation measures be updated to reflect the species updated status and recommends the following measures be incorporated into the Project to avoid unauthorized take.

#### **Recommended Mitigation Measure 3: BUOW Surveys Prior to Construction**

CDFW recommends that surveys, following the "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) be conducted within areas of suitable habitat the survey season immediately prior to construction.

#### **Recommended Mitigation Measure 4: BUOW Consultation**

If BUOW or burrows known to be currently or previously occupied by BUOW are found, either during surveys or Project activities, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b).

### Comment 3: Crotch's Bumble Bee

The MND notes that Crotch's bumble bee is unlikely to occur within the Project site but no focused surveys were conducted for the species and there is limited information on whether an adequate habitat assessment for CBB was conducted. CBB are known to inhabit areas of grassland and ruderal habitats that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements appear to be present within the Project site. As such, CDFW recommends the following:

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### **Recommended Mitigation Measure 5: CBB Habitat Assessment**

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

### **Recommended Mitigation Measure 6: CBB Surveys**

If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

### **Recommended Mitigation Measure 7: CBB Avoidance**

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

### **Recommended Mitigation Measure 8: CBB Take Authorization**

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

### **Comment 4: Other State Special-Status Animals**

The MND notes that the banks along Cameron Creek can provide suitable denning habitat for American badger (AMBA) and possible nesting habitat for loggerhead shrike (LOSH). CDFW concurs with Mitigation Measures BIO-3 through BIO-5, and BIO-15 through BIO-18, as methods to minimize potential impacts to these species, but also recommends the following:

### **Recommended Mitigation Measure 9: Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for the special-status species referenced above, as well as their requisite habitat features, to evaluate potential impacts resulting from Project activities.

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**Recommended Mitigation Measure 10: Avoidance**

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens of AMBA. CDFW also recommends a minimum no-disturbance buffer of 250 feet around active LOSH nests.

**Comment 5: Special-Status Bat Species**

The MND acknowledges that the Project site contains habitat features, such as oak trees and bridges adjacent to the APE, that have the potential to support roosting western mastiff and pallid bats. Both species are known to occur in the vicinity of the Project site and historical and recent CNDDDB observations for these species have been documented (CNDDDB 2024). Project activities have the potential to affect habitat upon which special-status bat species depend on for successful breeding and have the potential to impact individuals and local populations. Mitigation measures BIO-9 through BIO-11 detail measures such as focused surveys, avoidance buffers, and eviction that may be undertaken to reduce the Project's impact on these species. CDFW concurs with conducting surveys and recommends the addition of the following mitigation measure:

**Recommended Mitigation Measure 11: Bat Roost Disturbance Minimization and Avoidance**

If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and that a qualified biologist who is experienced with bats monitor them for signs of disturbance to bats from Project activity. If a bat roost is identified and work is planned to occur during the breeding season, CDFW recommends that no disturbance to maternity roosts occurs and that CDFW be consulted to determine measures to prevent breeding disruption or failure.

**Editorial Comments and/or Suggestions****California Natural Diversity Database (CNDDDB)**

Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

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**Lake and Streambed Alteration:** The Project activities, as described, have the potential to temporarily and permanently impact water flows of Cameron Creek and are subject to CDFW's regulatory authority pursuant to Fish and Game Code 1600 et seq. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

**Nesting birds:** CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

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If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**Water Rights:** The MND notes that approvals may be required from several agencies for Project activities within Cameron Creek including the TID, Central Valley Water Quality Control Board (CVWQCB), U.S. Army Corps of Engineers (USACE) and CDFW. The Project will divert surface flow from Cameron Creek for groundwater storage within the vicinity of the City of Visalia. As stated previously, the capture of unallocated stream flows to artificially recharge groundwater aquifers is subject to appropriation and approval by the SWRCB pursuant to Water Code section 1200 et seq. CDFW recommends that the MND include a detailed description of the water rights and water entitlements that would pertain specifically to the Project and address any applications or change petitions that may be filed. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Project-related diversion for groundwater recharge will impact riparian, wetland, fisheries and terrestrial (upland) wildlife species and their habitats. Given the potential for impacts to special-status species and their habitats it is advised that any required consultation with CDFW occur well in advance of the SWRCB water right application process.

**Sustainable Groundwater Management Act (SGMA) and Groundwater Dependent Ecosystems:** Groundwater Sustainability Plans were prepared for the Kaweah Subbasin. The Kaweah Subbasin (Subbasin No. 5-22.11 of the San Joaquin Valley Groundwater Basin) is designated a high priority Subbasin by the Department of Water Resources. SGMA defines sustainable groundwater management as, "management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results (Water Code, § 10721 (v))." CDFW recommends that the MND include an analysis of Project-related activities in relation to the Greater Kaweah Subbasin Groundwater Sustainability Plan, including analysis of potential undesirable results and adverse impacts to groundwater dependent ecosystems including the biological resources listed above.

## 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



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subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to 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 the CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

**FILING FEES**

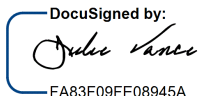
The Project, as proposed, could have an impact on biological resources, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 MND to assist the City of Visalia in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist the City of Visalia with incorporating the recommended mitigation measures provided above.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at [marile.colindres@wildlife.ca.gov](mailto:marile.colindres@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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**Attachment 4**

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**Attachment 4**

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**Attachment 4**

<b>Attachment 1</b>  <b>CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE</b> <b>RECOMMENDED MITIGATION MONITORING AND REPORTING</b> <b>PROGRAM (MMRP)</b>  <b>PROJECT: Cameron Creek Linear Recharge Project (Project)</b> <b>Mitigated Negative Declaration (MND)</b> <b>State Clearinghouse No.: 2024100477</b>	
RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<b><i>Before Disturbing Soil or Vegetation</i></b>	
<b>SWHA</b>	
Recommended Mitigation Measure 2: SWHA Take Authorization	
<b>BUOW</b>	
Recommended Mitigation Measure 3: BUOW Surveys Prior to Construction	
Recommended Mitigation Measure 4: BUOW Consultation	
<b>CBB</b>	
Recommended Mitigation Measure 5: CBB habitat assessment	
Recommended Mitigation Measure 6: CBB surveys	
Recommended Mitigation Measure 8: CBB take authorization	
<b>Other State Species of Special Concern</b>	
Recommended Mitigation Measure 9: Surveys	
<b><i>During Construction</i></b>	
<b>SWHA</b>	
Recommended Mitigation Measure 1: SWHA Buffers	
<b>CBB</b>	
Recommended Mitigation Measure 7: CBB Avoidance	
<b>Other State Species of Special Concern</b>	
Recommended Mitigation Measure 10: Avoidance	
<b>Special-Status Bat Species</b>	
Recommended Mitigation Measure 11: Bat Roost Disturbance Minimization and Avoidance	