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March 4, 2008

Jacqueline Onciano
Resource Management Agency -
Planning Department
County of Monterey
168 West Alisal, 2nd Floor
Salinas, California 93901

Subject: Draft Environmental Impact Report (DEIR)
Rancho Cañada Village Specific Plan
SCH No. 2006081150

Dear Ms. Onciano:

The Department of Fish and Game has reviewed the DEIR submitted by the County of Monterey for the above Project. Project approval would allow for a Combined Development Permit for the creation of a new 281-unit residential neighborhood, in the redevelopment of a portion of the Rancho Cañada Golf Course. The Project area includes portions of the existing golf club and portions of two parcels north of the golf club, and is located in the Carmel Valley area, just east of the intersection of Carmel Valley Road and Highway 1.

The DEIR includes several mitigation measures intended to reduce impacts to sensitive species and habitats. The Department generally agrees with the measures and has additional comments regarding avoidance and mitigation for impacts to nesting birds and Monterey dusky-footed woodrats (*Neotoma fuscipes luciana*).

Bird Protection: The Department has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code 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). Because mature trees on the Project site will need to be removed for Project implementation, appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project area should be included in the California Environmental Quality Act (CEQA) document prepared for the Project.

Potential Project Impacts and Recommendations

Nesting Birds: Mitigation Measure BIO-23 addresses the removal of trees and shrubs that could be used by nesting birds. The Department recommends the following amendments regarding no-disturbance buffers and the timing of bird nesting. Removal of trees and shrubs should occur during the nonbreeding season, mid-September through January. If construction activities or tree removal must occur during the breeding season (February through mid-

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September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around active nests 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 parental care for survival.

Monterey Dusky-Footed Woodrat (MDFW): A MDFW nest has been located by biological consultants on the Project site. Mitigation Measure BIO-22 addresses trapping and removal of MDFW from areas of construction. This mitigation measure does not specify the appropriate seasonal timing for removal and could, therefore, result in the separation of females from their young. The Department instead recommends the following mitigation, which includes passive eviction of woodrats from their nests.

Any active nests that will not be in areas of grading or vegetation removal should be avoided and protected during Project activities with a minimum 25-foot buffer. Nests that cannot be avoided should be dismantled prior to land clearing activities, to allow animals to escape harm and to reestablish territories for the next breeding season. Nests should be dismantled during the nonbreeding season, between October 1 and December 31. Dismantling should be done by hand, allowing any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material should be replaced, and the nest left alone for 2 to 3 weeks before a recheck to verify that young are capable of independent survival before proceeding with nest dismantling.

If you have any questions regarding these comments, please contact Linda Connolly, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 242.

Sincerely,



W. E. Loudermilk
Regional Manager

ec: Jeff Cann
Department of Fish and Game