



DEPARTMENT OF FISH AND WILDLIFE

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GAVIN NEWSOM, Governor
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February 9, 2026

Cindy Jacinth, Planning Manager
City of Pismo Beach
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Pismo Beach, California 93449
(805) 773-7043
cjacinth@pismo-beach.org

**Subject: Pismo Beach General Plan/Local Coastal Plan (GP/LCP) Update (Plan)
Recirculated Draft Environmental Impact Report (RDEIR)
SCH No.: 2021010158**

Dear Cindy Jacinth:

The California Department of Fish and Wildlife (CDFW) received an RDEIR from the City of Pismo Beach (City) in pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & Game Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 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., Section 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing

¹ 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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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, Section 21069; CEQA Guidelines, Section 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 Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & Game Code, Section 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future project's tiered from this Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, Section 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

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).

PLAN DESCRIPTION SUMMARY

Proponent: City of Pismo Beach

Objective: The Draft Environmental Impact Report (EIR) for the Plan was circulated for a 45-day public review period that began on February 1, 2022 and ended on March 18, 2022. Following the end of the public review period for the Draft EIR, the City prepared an Administrative Draft Final EIR. In addition to addressing public comments, the Administrative Draft Final EIR reflected removal of the Facilities Element from the Plan and incorporation of Facilities Element policies into other elements. The Planning Commission hearings for the Final EIR were held on July 25 and August 22, 2023. The City Council hearing for the Final EIR was scheduled for October 2023. However, prior to the City Council hearing, the City determined that the Safety Element would also be removed from the Plan to incorporate the following: (1) the removal of the Facilities Element and incorporation of Facilities Element policies into other elements, (2) the removal of the Safety Element from the Plan, and (3) changes to the Plan, including to the goals, policies, and actions within the Plan. The Growth Management Element would also be eliminated due to changes in state housing law and Senate Bill 330.

The RDEIR incorporates the changes above and provides the revised goals, policies, and implementation programs, along with reorganization and renumbering to clarify applicability to the Local Coastal Program. It also incorporates new requirements, such as policies added to the Conservation and Open Space Element under Senate Bill 1425 and updates to the Circulation Element.

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Location: The City of Pismo

COMMENTS AND RECOMMENDATIONS

CDFW is aware that this RDEIR is being recirculated to note the changes to the Facilities Element, Safety Element, and Growth Management Element within the Plan. As such, CDFW has limited comments on the RDEIR; however, there have been several updates to state species listings since circulation of the DEIR in 2021. Specifically, western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*) are candidate species under CESA and receive the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). As such, CDFW recommends these species statuses be reflected within the documented associated with the RDEIR to reflect their protected status.

FILING FEES

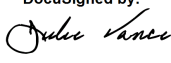
The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for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

Conclusion

CDFW appreciates the opportunity to comment on the RDEIR to assist the City in identifying and mitigating this Plan'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 Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

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