



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
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July 31, 2026

Eric Martin, Senior Planner
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Subject: Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Planning Area 52 Project, SCH No. 2023070463, Irvine, CA

Dear Eric Martin:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) from City of Orange (City) for the Refined Orange Heights (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

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;

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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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 (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act 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 law² of any species protected under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) or the Native Plant Protection Act (Fish & G. Code, § 1900 *et seq.*), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a regional habitat conservation planning framework authorized under the NCCP Act (Fish and Game Code 2800 *et seq.*). The City of Irvine (City) participates in the NCCP as a Signatory to the Implementation Agreement (IA) under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources; and to ensure Project consistency with regional conservation objectives in the Orange County Central/Coastal NCCP/HCP.

The Subsequent Environmental Impact Report (SEIR) for the proposed Project must ensure and verify that all requirements and conditions of the Central/Coastal NCCP/HCP are met.

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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The SEIR should also address biological issues that are not addressed in the NCCP/HCP, such as specific impacts to and mitigation requirements for wetlands or sensitive species, and habitats that are not covered by the NCCP/HCP.

Issue areas in the SEIR that may be influenced by the NCCP/HCP include, "Biological Resources", "Hydrology and Water Quality", "Land Use and Planning", "Recreation", and "Wildfire". In addition, the environmental document should describe why the Project, irrespective of other alternatives to the Project is consistent with California Fish and Game Code, and within the context of the NCCP/HCP.

Conclusion

CDFW appreciates the opportunity to comment on the NOP to assist the City of Irvine in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jennifer Turner, Senior Environmental Scientist (Supervisory), at (858) 539-9109 or Jennifer.Turner@wildlife.ca.gov.

Sincerely,

Signed by:

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Glen M. Lubcke
Environmental Program Manager
South Coast Region

cc: California Department of Fish and Wildlife
Glen M. Lubcke, Environmental Program Manager
Jennifer Turner, Senior Environmental Scientist (Supervisor)

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Jonathan Snyder, Acting Field Supervisor; Jonathan_d_snyder@fws.gov
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