



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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June 4, 2026

Kelley Gleason, Planning Manager
City of Atascadero
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**Subject: City of Atascadero Comprehensive 2045 General Plan Update (Plan)
Draft Environmental Impact Report (DEIR)
SCH No.: 2024070598**

Dear Kelley Gleason:

The California Department of Fish and Wildlife (CDFW) received a DEIR from City of Atascadero (City), as lead agency, for the above-referenced Plan 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 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; 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 agency environmental review efforts,

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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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, projects tiered from this Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of projects 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 & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will 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 Atascadero

Objective: The Plan includes comprehensive revisions to all existing elements, along with the incorporation of new long-term planning considerations. It would function as a guiding framework for future growth through the 2050 buildout horizon and reflects community input, recent changes in State law, and updated environmental and socioeconomic conditions. The Plan also includes amendments to the Land Use, Natural and Cultural Resources, Safety, Noise, Parks, Recreation and Community Services, Circulation, Economic Development, and Health and Equity Elements. In addition, the Plan identifies Specific Focus Areas within the City that have the potential to accommodate future development. Other components of the Plan include updated noise contours, an update to the City's 2013 Climate Action Plan, and concurrent amendments to the Development Code to ensure consistency with the updated General Plan.

Location: City of Atascadero

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and suggestions to assist the City in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Nesting birds

CDFW encourages that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during

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the nesting season (February 1st through September 15th), each future project applicant is responsible for ensuring that implementation of their project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW recommends that a qualified biologist 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 area 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 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 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 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.

Wildlife Corridors and Habitat Connectivity

California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors. California Senate Bill (SB) 790, Assembly Bill (AB) 2344, and AB 1889 all address wildlife connectivity in California and assert authority and responsibility to CDFW and/or local and State agencies to implement wildlife connectivity actions by identifying where they are needed, coordinate and implement those actions, and establish compensatory mitigation credits for actions taken. AB 1889 in particular requires the conservation element of general plans to consider the effect of development of wildlife connectivity. The Bill also requires that lead agencies consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science on identifying and maintaining essential linkages and corridors that are essential to maintain landscape connectivity.

The City of Atascadero contains approximately 27 miles of creeks and rivers—including Atascadero Creek, Graves Creek, Paloma Creek, and a segment of the Salinas River.

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These waterways and associated riparian habitats function as important wildlife movement corridors connecting the Salinas River watershed to surrounding upland habitats. As such, the Plan could impact wildlife connectivity for a range of species that utilize these corridors. Direct and indirect impacts to riparian and adjacent habitats may adversely affect sensitive species identified in the DEIR. Such impacts may include habitat reduction; reduced reproductive success; diminished health and vigor; nest disturbance or abandonment; loss of foraging habitat leading to decreased nesting success; and introduction of debris or deleterious materials into riverine systems.

Narrow riparian buffers are considerably less effective at minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992; Brososke et al. 1998; Kiffney et al. 2003; Moore et al. 2005).

CDFW acknowledges and generally concurs with the General Plan policies referenced in the DEIR, including Policy LU-1.9 and Policy REC-4.3, which provide important direction for regional coordination, watershed protection, maintenance of natural flows, and preservation of riparian ecosystems, and which also complement the broader goal of supporting habitat connectivity. CDFW also concurs with the establishment of a sufficient buffer zone to protect the streams and associated habitats present within the Plan area.

CDFW further recommends that future projects tiered from the Plan and located adjacent to or within the vicinity of Atascadero Creek, Graves Creek, Paloma Creek, the Salinas River, and associated riparian habitats include project-specific wildlife movement studies. These studies should evaluate potential project impacts to wildlife connectivity and inform the development of avoidance, minimization, and mitigation measures. These studies should also inform appropriate buffer distances from natural wildlife corridors, such as streams and their associated habitats, to ensure wildlife connectivity is maintained. For projects where wildlife corridor improvements are proposed, pre-construction study data should be used to develop biologically feasible design measures. Post-construction monitoring should assess the use of wildlife movement corridors, and results should be summarized in reports submitted to CDFW and made available to other interested parties.

To offset unavoidable impacts from Plan implementation, on- or off-site compensatory mitigation should be required to ensure no net loss of wildlife corridor function. The DEIR should also include an evaluation of feasible off-site wildlife movement corridors or crossings that could be enhanced or constructed to improve regional connectivity.

Lake and Streambed Alteration

Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to 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 information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or

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contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and 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 California Natural Diversity Database negative declarations be incorporated into a database, which may be used to make (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 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 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 DEIR 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:

Krista Tomlinson

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For Julie A. Vance
Regional Manager

cc: State Clearinghouse
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State.Clearinghouse@lci.ca.gov

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REFERENCES

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- Castelle, A., C. Conolly, M. Emers, E. Metz, S. Meyer, M. Witter, S. Mauermann, T. Erickson, and S. Cooke. 1992. Wetlands buffers use and effectiveness. Adolfson Associates, Inc., Shorelands and Coastal Zone Management Program, Washington Department of Ecology, Olympia, WA. Pub. No. 92-10.
- Kiffney, P., J. Richardson, and J. Bull. 2003. Responses of periphyton and insects to experimental manipulation of riparian buffer width along forest streams. *Journal of Applied Ecology* 40:1060-1076.
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