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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 23, 2025

Ivan Flores
Principal Planner
City of Escondido
201 N. Broadway
Escondido, CA 92025
Ivan.Flores@escondido.gov

Subject: MITIGATED NEGATIVE DECLARATION FOR THE ISKCON OF ESCONDIDO, KRISHNA TEMPLE AND RESIDENTIAL PROJECT, SCH NO. 2025040631, SAN DIEGO COUNTY, CA

Dear Ivan Flores:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) prepared by the City of Escondido (City) for the ISKON of Escondido, Krishna Temple and Residential Project (Project) 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 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; 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.

[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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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. To the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also oversees the Natural Community Conservation Planning (NCCP) program. The City had prepared a draft Subarea Plan (Draft SAP) under the Subregional Multiple Habitat Conservation Program (MHCP), which addressed regional conservation planning across seven incorporated jurisdictions in northern San Diego County. However, the City's Draft SAP has not been finalized, and state and federal permits have not been issued to the City. To date, only the City of Carlsbad has received state and federal permits pursuant to the MHCP; however, the conservation principles remain relevant for development projects occurring in the other jurisdictions, and the Draft SAP serves as an excellent resource for assessing the significance of potential impacts under CEQA.

PROJECT DESCRIPTION SUMMARY

Proponent: Phil Martin & Associates (Project Proponent)

Objective: The objective of the Project is to construct 10 single-family homes and a Krishna temple on a 24.53-acre Project site. A Conditional Use Permit, Grading Exemption, and Design Review Permit will be issued for the development of the 6,221-square-foot Krishna Temple and associated facilities, located on the 20.33-acre portion of the Project site. The Project also includes two separate applications for a Tentative Subdivision Map for development of the 10 single-family lots on 4.2 acres. Primary Project activities include grading, with 30,000 cubic yards of cut and 30,000 cubic yards of fill, vegetation removal, construction of 72 parking spaces, construction of 10 single-family homes and a Krishna Temple, construction of a 56-foot-wide and 390-foot-long private cul-de-sac, and installation of utilities.

Location: The Project site is located at 1315 and 1356 Rincon Avenue in the City of Escondido, in the County of San Diego. The Project site is bordered to the north by single-family homes and a commercial nursery, to the south by single-family homes, to the east by vacant open space and agricultural land, and to the west by single-family homes and open space.

[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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Timeframe: The Project anticipates starting construction during the second quarter of 2025 and complete construction in the second quarter of 2026.

Biological Setting: A reconnaissance biological survey was conducted by Bloom Biological Inc. on July 6, 2023. Vegetation types observed on the property include coastal sage scrub, Diegan coastal sage scrub, Engelmann Oak Woodland, non-native grassland, and avocado orchard. Suitable habitat is present on the site for coastal whiptail (*Aspidoscelis tigris stejnegeri;* CDFW Species of Special Concern (SSC)) and orange-throated whiptail (*Aspidoscelis hyperythra*; CDW Watch List). Protocol-level surveys for costal California gnatcatcher (*Polioptila californica californica;* federal Endangered Species Act-listed Threatened; SSC) were performed in 2023, which were negative. The Project will impact 0.6 acre of coastal sage scrub and 1.34 acres of Diegan coastal sage scrub, which will be mitigated at a 1:1 ratio, consistent with the MHCP. The Project will impact 5.09 acres of non-native grassland, which will be mitigated at a 0.5:1 ratio. The Project footprint avoids impacts to Engelmann oak woodland.

Project History: In 2000, a Conditional Use Permit was issued for a previous Project on the current site, called the ISKCON Cultural Center. A Vegetation Removal Permit was approved in 2002, along with a request for a Habitat Loss 4(d) Permit for removal of 2.22 acres of the existing 11.99 acres of Coastal Sage Scrub habitat. In accordance with the associated mitigation, the applicant purchased 2.22 acres of habitat credits from the City's Daley Ranch Conservation Bank in 2003. The Sri Radha Krishna and Sri Balaji Temple recorded a deed restriction to preserve and protect 9.77 acres of Diegan coastal sage scrub habitat from human intrusion.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations 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.

COMMENT # 1: Crotch's Bumble Bee

Issue: The Project may adversely impact Crotch's bumble bee.

Specific impact: The Project may result in permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Impacts from ground disturbing activities may include death or injury of adults, eggs, and larva, as well as cause burrow collapse, nest abandonment, and reduced nest success. The MND does not address potential impacts to the species or include any proposed mitigation to offset potential impacts.

Why impact would occur: The Biological Assessment Report (Bloom Biological, 2023) does not include an assessment of suitable habitat for Crotch's bumble bee or evaluate potential Project impacts on the species. According to CDFW's Crotch's Bumble Bee

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Range – CDFW [ds3095][3] dataset, the Project area lies within the current home range for Crotch's bumble bee (CDFW 2024b). The Biological Assessment Report indicates that the Project site includes 6.99 acres of non-native grassland, which may provide suitable nesting habitat for Crotch's bumble bee; however, the MND does not incorporate any mitigation measures for the species. Given the nesting ecology of Crotch's bumble bee, avoidance of incidental take is particularly complex if the species is present, as nests are difficult to identify. Crotch's bumble bee primarily nest in abandoned small mammal burrows, but may also nest under perennial bunch grasses, thatched annual grasses, brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground-disturbing activities conducted during the overwintering period may inadvertently result in direct mortality of individuals through crushing or destruction of burrows, which would be prohibited under CESA without an incidental take permit.

CDFW strongly encourages that the Project proponent conduct protocol-level surveys for Crotch's bumble bee within the year prior to the start of the Project, using the most recent survey guidance, to determine species presence or absence. If Crotch's bumble bee is not detected, ground disturbance can commence without further CDFW coordination; though, we recommend that a Biological Monitor remain on site during vegetation removal to confirm that no foraging individuals are impacted. This approach reduces both the risk of incidental take and the potential for extended Project delays.

Evidence impact may be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining that the listing "may be warranted" and advancing the species to the candidacy stage of the CESA-listing process. Pursuant to Fish and Game Code section 2085, CESA candidate species are granted the same protection as CESA-listed threatened and endangered species. Therefore, take of Crotch's bumble bee is prohibited, except as authorized by State law through the issuance of an ITP or other authorization (Fish & G. Code, §§ 2080, 2085). Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority[4] (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 1565).

[3] https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfw-ds3095
[4] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline

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Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that the City incorporate the below species-specific mitigation measure for Crotch's bumble bee:

Mitigation Measure #1: Crotch's Bumble Bee.

To mitigate potential impacts to Crotch's bumble bee:

a. A qualified biologist familiar with the species' behavior and life history shall conduct a species-specific survey of suitable habitat within the Project area and surrounding buffer. Surveys shall occur during flight season for the species, within one year prior to vegetation removal and/or ground disturbance to determine the presence/absence of Crotch's bumble bee. Surveys should focus on both nesting and foraging habitat. CDFW has published a Survey Considerations document for CESA Candidate Bumble Bees, which can be found at the following link: https://wildlife.ca.gov/Conservation/CESA. This document describes factors such as evaluating potential for presence, habitat assessment, and survey methods.

b. If nesting or foraging bees are detected, the site shall be considered occupied, and the Project biologist will notify CDFW. An Incidental Take Permit will be needed for take of Crotch's bumble bee, and mitigation will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. If foraging individuals are detected and an Incidental Take Permit is not acquired by the applicant, compensatory mitigation for loss of foraging habitat will be required at a 1:1 replacement ratio.

c. The qualified biologist or biological monitor shall submit a report to the City and CDFW, documenting the methods and results of the surveys prior to clearing/grubbing activities.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Mitigated Negative Declaration include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

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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 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 California Natural Diversity Database (CNDDB). The CNDDB website[5] provides directions regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[6].

The City should ensure data collected for the preparation of the MND is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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 in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

[5] https://wildlife.ca.gov/Data/CNDDB
[6] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

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Questions regarding this letter or further coordination should be directed to Jessie Lane[7], Environmental Scientist.

Sincerely,

DocuSigned by:
Jennifer Turner
C3D449ECB7C14DE...

Jennifer Turner signing for

Glen M. Lubcke
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Glen M. Lubcke
Jennifer Turner
Jessie Lane
Alison Kalinowski

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

Bloom Biological. October 10, 2023. Biological Assessment Report for ISKCON Cultural Center, Escondido, CA. APNs: 224-100-84, APN 224-100-85

[CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline

Goulson, D. 2010. Bumblebees: behavior, ecology, and conservation. Oxford University Press, New York. 317pp.

Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species

[7] Phone: 858-354-4105; Email: jessie.lane@wildlife.ca.gov

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Crotch's Bumble Bee. To mitigate potential impacts to Crotch's bumble bee: a. A qualified biologist familiar with the species' behavior and life history shall conduct a species-specific survey of suitable habitat within the Project area and surrounding buffer. Surveys shall occur during flight season for the species, within one year prior to vegetation removal and/or ground disturbance to determine the presence/absence of Crotch's bumble bee. Surveys should focus on both nesting and foraging habitat. CDFW has published a Survey Considerations document for CESA Candidate Bumble Bees, which can be found at the following link: https://wildlife.ca.gov/Conservation/CESA. This document describes factors such as evaluating potential for presence, habitat assessment, and survey methods. b. If nesting or foraging bees are detected, the site shall be considered occupied, and the Project biologist will notify CDFW. An Incidental Take Permit will be needed for take of Crotch's bumble bee, and mitigation will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. If foraging individuals are detected and an Incidental Take Permit is not acquired by the applicant, compensatory mitigation for loss of foraging habitat will be provided at a 1:1 replacement ratio.	Within 1 year Before Start of Grading or Vegetation Removal	City of Escondido

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Mitigation Measure	Timing	Responsible Party
c. The qualified biologist or biological monitor shall submit a report to the City and CDFW, documenting the methods and results of the surveys prior to clearing/grubbing activities.		