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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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June 23, 2025

Madeline Mattson
City of Santee
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Subject: Notice of Preparation of a Draft Program Environmental Impact Report for the City of Santee Land Use Element Update Project, SCH No. 2025051050, San Diego County, CA

Dear Madeline Mattson:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (PEIR) from the City of Santee (City) for the City of Santee Land Use Element Update 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.

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

[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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regulatory authority as provided by the Fish and Game Code. 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 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 administers the Natural Community Conservation Planning (NCCP) Program, a California regional habitat conservation planning program. The City participates in the NCCP program through their enrollment in the County of San Diego Subregional Multiple Species Conservation Program (MSCP) and the development of their MSCP Subarea Plan (subarea plan).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Santee (City)

Objective: The City is updating its Land Use Element, which is one of the seven components of the City's General Plan. The stated goal of updating this element is to, (1) connect people to parks, open space, biking, walking, shopping, jobs, and transit; (2) encourage economic development to create new businesses, jobs, retail, and entertainment; and (3) create more places to live. This update will also look at ways to enhance commercial and residential sites along the City's main commercial corridors to create mixed-use communities. The Project will include an update to the existing conditions to reflect the latest available information; an update to the planning horizon through the year 2045; and revisions to the Land Use Element to meet the goals described above.

Location: Throughout the City of Santee

Biological Setting: As described in the Conservation Element of the Santee General Plan[3], the City of Santee sits partially on the coastal plain of the Coastal Province and partially on the foothills of the Peninsular Range Province. The center of the City is characterized by relatively flat topography, while the north and southeastern portions of the City are generally steeper. Six major drainage courses pass through the City: the San Diego River, Forester Creek, Sycamore Creek, Woodglen Vista Creek, Fanita Creek, and Big Rock Creek. Vegetation communities occurring in the City include Diegan coastal sage scrub, grasslands, wetlands, and riparian habitats. The City is almost surrounded by undeveloped land, including Mission Trails Regional Park to the west and southwest, Marine Corps Air Station Miramar to the west and northwest, the

[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."
[3] https://www.cityofsanteeca.gov/documents/planning-building/general-plan/gp-conservation-element.pdf

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County of San Diego's Sycamore Goodan Ranch Open Space Preserve to the north, and a low-density portion of the Community of Lakeside to the east.

The City and the surrounding areas are home to a wide range of plant and wildlife resources, including the following special status species:

Invertebrates

- San Diego fairy shrimp (*Brachinecta sandiegonensis*; Endangered Species Act (ESA)-listed endangered),
- Crotch's bumble bee (*Bombus crotchii*; CESA-candidate endangered),
- Quino checkerspot butterfly (*Euphydryas editha quino*; ESA-listed endangered),
- Hermes copper butterfly (*Lycaena Hermes*; ESA-listed threatened),

Amphibians

- Western spadefoot (*Spea hammondii*; ESA-proposed threatened, Species of Special Concern (SSC)),

Reptiles

- California glossy snake (*Arizona elegans occidentalis*; SSC),
- Coast horned lizard (*Phrynosoma blainvillii*; SSC),
- Coast patch-nosed snake (*Salvadora hexalepis virgultea*; SSC),
- Coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC),
- Red-diamond rattlesnake (*Crotalus ruber*; SSC),
- Southern California legless lizard (*Anniella stebbinsi*; SSC),
- Two-stripe gartersnake (*Thamnophis hammondii*; SSC),

Birds

- Coastal cactus wren (*Campylorhynchus brunneicapullus sandiegensis*; SSC),
- Coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened, SSC),
- Least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered, CESA-listed endangered),
- Tricolored blackbird (*Agelaius tricolor*; CESA-listed threatened),
- Yellow warbler (*Setophaga petechia*; SSC),

Mammals

- American badger (*Taxidea taxus*; SSC),
- Big free-tailed bat (*Nyctinomops macrotis*; SSC),
- Pocketed free-tail bat (*Nyctinomops femorosaccus*; SSC),
- Pallid bat (*Antrozous pallidus*; SSC),

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- San Diego desert woodrat (*Neotoma lepida intermedia*; SSC),
- Western yellow bat (*Lasiurus xanthinus*; SSC),

Plants

- Decumbent goldenbush (*Isocoma menziesii* var. *decumbens*; California Rare Plant Rank (CRPR) 1B.2),
- Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*; ESA-listed endangered, CRPR 1B.1),
- Nuttall's scrub oak (*Quercus dumosa*; CRPR 1B.1),
- San Diego ambrosia (*Ambrosia pumila*; ESA-listed endangered),
- San Diego barrel cactus (*Ferocactus viridescens*; CRPR 2B.1),
- San Diego goldenstar (*Bloomeria clevelandii*; CRPR 1B.1),
- San Diego thorn-mint (*Acanthomintha ilicifolia*; ESA-listed threatened, CESA-listed endangered),
- Smooth tarplant (*Centromadia pungens* ssp. *laevis*; CRPR 1B.1),
- Variegated dudleya (*Dudleya variegata*; CRPR 1B.2),
- White rabbit-tobacco (*Pseudognaphalium leucocephalum*; CRPR 2B.2), and
- Willowy monardella (*Mondardella viminea*; ESA-listed endangered, CESA-listed endangered).

Portions of the City overlap U.S. Fish and Wildlife Service (USFWS) designated critical habitat for willowy monardella, Hermes copper butterfly, coastal California gnatcatcher, and least Bell's vireo. Critical habitat for San Diego ambrosia occurs in Mission Trails Park, adjacent to City limits.

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.

Specific Comments

1) Consistency with the Draft Subarea Plan. CDFW and USFWS are currently working with the City on development of the City's subarea plan. Compliance with approved habitat plans, such as the MSCP, is required by CEQA. Specifically, section 15125(d) of the CEQA Guidelines requires that an EIR discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. We encourage the City to carefully evaluate the consistency of the proposed Project with the draft subarea plan and request that the draft PEIR includes an assessment of the Project's consistency with the draft subarea plan. The draft subarea plan's open space network designates areas of high biological value as protected open space, conservation opportunity areas, or City-owned preserve. Any proposed

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changes should not lead to new, unanticipated direct or indirect impacts or otherwise compromise the conservation goals developed in the draft subarea plan for these habitats and the species they support.

2) Changed Edge Effects. The category of land use adjacent to open space results in varying types and intensities of indirect impacts on biological resources ("edge effects"). For example, residential development can introduce domestic cats that could pursue and hunt wildlife in adjacent open space and other habitat areas, whereas commercial development would be less likely to result in that impact. Where areas are already developed and currently zoned as commercial or industrial, changing land use to include residential development could result in edge effects that were not analyzed prior to constructing currently existing development. Moreover, any increases to the anticipated density of a residential area could result in increased intensity of edge effects from human trespass, pets, degraded habitat, and invasive species. Where development is adjacent to open space or undeveloped habitat areas, the PEIR should identify and analyze any changes in edge effects that could be caused by changing the land use designation and include measures to mitigate any significant effects.

3) Increased Recreation Pressure. Many of the City's existing recreational opportunities occur within or adjacent to areas that have been set aside to conserve habitat for special status species as part of the MSCP preserve system. Increases in residential development would lead to increased demand for recreational opportunities in these conserved areas. As levels of recreational use increase, additional disturbance can exceed the tolerance of sensitive species, thereby reducing the value of adjacent habitats. The PEIR should analyze changes to the value of conserved lands in the event recreational pressure is increased by the Project and include mitigation measures to reduce resultant impacts. The PEIR should identify current recreational open space, including a breakdown of recreational uses (e.g., hiking, mountain biking, equestrian, dog parks, et cetera) and how increased recreation will impact biological resources affected by changes in land use and zoning. The analysis should include a discussion of the current budget allotted for managing recreational open space and determine whether the increase in residential density would necessitate increased funding to manage human impacts, encroachment, and maintenance of open space. The PEIR should analyze the effect of the proposed Project on biological resources as a result of increased recreational activities. The PEIR should identify additional properties that could be set aside for recreational uses, and areas that can be added to the MSCP preserve if recreational uses increase to the point where habitat values are negatively affected.

General Comments

1) Disclosure. The PEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the

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environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

2) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants (i.e., biological resources), CDFW recommends the following information to be included in the PEIR.

   a. A complete discussion of the purpose and need for the proposed Project.

   b. A range of feasible alternatives to the Project location to avoid minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or minimize direct and indirect impacts on biological resources. CDFW also recommends that the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

   c. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The PEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

   d. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designers should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.

3) Project-level Biological Assessment. As part of the analysis of individual projects, an adequate biological resources assessment should be conducted, including a complete assessment and impact analysis of the flora and fauna within and adjacent to individual project sites. The assessment and analysis should place

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emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the individual project's potential direct, indirect, and cumulative biological impacts, as well as specific avoidance, minimization and mitigation measures necessary to offset those impacts. The PEIR should require the following information be submitted during the City's review of individual projects.

a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)), including sensitive natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage[4].

b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*[5]. Botanical field surveys should be comprehensive over the entire project site, including areas that will be directly or indirectly impacted by the project. Adjoining properties should also be surveyed where direct or indirect project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants are identifiable, typically during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the project site. This usually involves multiple visits to the project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the project site and within adjacent areas. The Manual of California Vegetation[6], second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the project's construction and activities could lead to direct or indirect impacts offsite.

d. A complete and recent assessment of the biological resources associated with each habitat type in the project site and within adjacent areas. A full literature review includes but is not limited to CDFW's California Natural Diversity Database[7] (CNDDB). The CNDDB should be accessed to obtain current information on any previously reported sensitive species occurrence and habitat.

[4] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities
[5] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline
[6] https://vegetation.cnps.org/
[7] https://wildlife.ca.gov/Data/CNDDB

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An assessment should include a minimum nine-quadrangle search of the CNDDB to determine a list of species potentially present in the project site. A nine-quadrangle search should be provided in the PEIR for adequate disclosure of the project's potential impact on biological resources.

e. A complete, recent assessment of endangered, rare, or threatened species and other sensitive species within the project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of day and year when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines[8] for established survey protocols. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.

f. Project specific biological resources surveys. A lack of records in the CNDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Future projects under the PEIR may warrant periodic updated surveys for certain sensitive taxa, particularly if project implementation build out could occur over a protracted time frame or in phases.

4) Direct and Indirect Impacts on Biological Resources. The PEIR should provide a thorough discussion of all direct and indirect impacts to biological resources with specific measures to offset such impacts. The PEIR should address the following.

a. A discussion of potential direct impacts from lighting, noise, human activity, and exotic species, including an analysis of indirect impacts on biological resources. These analyses should include the biological resources located in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).

[8] https://wildlife.ca.gov/conservation/survey-protocols

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b. A discussion of both the short-term and long-term effects of the Project on species population distributions and size, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).

c. Impacts on, and maintenance of, wildlife corridors/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the PEIR.

d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address potential water extraction activities and potential resulting impacts on habitat supported by groundwater. Measures to mitigate such impacts should be included.

e. An analysis of impacts resulting from proposed changes to land use designations and zoning, including how current land use designations and zoning adjacent to natural areas may inadvertently contribute to wildlife-human conflicts. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the PEIR.

5) Cumulative Impacts. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

   Accordingly, CDFW recommends the PEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The City's conclusions regarding the significance of the Project's cumulative impact analysis should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

6) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines,

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§§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, "…*an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the City through permit conditions, agreements, or other legally binding instruments"* (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

a. The PEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

b. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the PEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the PEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

7) Long-term Management of Mitigation Lands. For proposed mitigation lands, the PEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment, determined in consultation with CDFW, should be established to provide for long-term management of mitigation lands.

8) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, any Project-related activity, or subsequent projects under the PEIR will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that a Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit.

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To ensure CDFW will be able to use the City's PEIR for the issuance of an ITP, the PEIR should address all Project impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

9) Translocation/Salvage of Plants and Animal Species. Translocation and relocation are the process of moving plants and wildlife from one location to a new location as a means of protecting it from harm or mortality. CDFW generally does not support the use of translocation or relocation as a mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are often unreliable to ensure successful outcomes and require long-term monitoring to determine the fate of the affected species. CDFW has found that permanent preservation and management of habitats capable of supporting affected species is often a more effective long-term strategy for conserving plants, animals and their habitats.

10) Scientific Collecting Permit and Voucher Collecting Permit. A Scientific Collecting Permit would be necessary to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor Project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's Scientific Collecting Permit webpage[9].

    A voucher collection permit is required to collect state-listed plant species for identification purposes during field surveys, or to collect voucher specimens to document a newly discovered or previously unvouchered occurrence of a state-listed plant. There is no charge to apply for a voucher collection permit. Anyone who collects state-listed plant species, or who may encounter a state-listed plant species during field surveys should have a plant voucher collection permit. To apply for a Voucher Collecting Permit please see CDFW's Voucher Collecting Permit Page.

11) Lake and Streambed Alteration. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section

[9] https://wildlife.ca.gov/Licensing/Scientific-Collecting

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1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that the City assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing CDFW's Lake and Streambed Alteration Program website[10].

12) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies[11]. Through its Wetlands Resources policy, the Commission *"…seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California*" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in, or conversion of, wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

    a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts to be included in the PEIR and these measures should compensate for the loss of function and value.

    b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained

[10] http://www.wildlife.ca.gov/Conservation/LSA
[11] https://fgc.ca.gov/About/Policies/Miscellaneous

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respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

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[12] provides direction 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[13].

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

FILING FEES

The Project, 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 City 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 NOP to assist the City in identifying and mitigating Project impacts on biological resources.

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

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Questions regarding this letter or further coordination should be directed to Kelly Fisher, Environmental Scientist[14].

Sincerely,

Signed by:
Glen Lubcke
AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife
Glen M. Lubcke, Environmental Program Manager
Melanie Burlaza, Senior Environmental Scientist (Supervisor)
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REFERENCES

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