



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 11, 2025

Chris Garcia
City of San Marcos
1 Civic Center Drive
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SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OAKCREST SPECIFIC PLAN PROJECT, SCH NO. 2025060511, SAN DIEGO COUNTY, CA

Dear Chris Garcia:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from City of San Marcos for the Oakcrest Specific Plan (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; 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.

Chris Garcia
City of San Marcos
July 11, 2025
Page 2 of 15

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 (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 (SAP) under the Subregional Multiple Habitat Conservation Program (MHCP), which addressed regional conservation planning across seven incorporated jurisdictions in northern San Diego County. Unfortunately, the SAP was not 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 as an excellent resource for assessing the significance of potential impacts under CEQA.

PROJECT DESCRIPTION SUMMARY

Proponent: Meritage Homes (Project Proponent)

Objective: The objective of the Project is to construct a 257-unit residential subdivision. Project activities include grading, vegetation removal, construction of homes and facilities, and development of a six-acre public park.

Location: The 136.1-acre Project site is in San Marcos, on the west side of North Twin Oaks Valley Road, between Del Roy Drive and Legacy Drive (Attachment A). The Project site is also located within the boundaries of the City's Draft MHCP SAP. The site is primarily undeveloped; however, three homes occur within the central area of the site. Surrounding land uses include undeveloped land to the north, the Twin Oaks Golf Course and residential homes to the east, and residential homes to the south and west. Open space areas protected by conservation easements occur to the northeast, south, and west, directly adjacent to the Project site.

Biological Setting: The NOP did not include a biological report nor did it disclose any biological resources that may occur on site. Based on aerial imagery from CDFW's [California Natural Diversity Database](https://wildlife.ca.gov/Data/BIOS)³ (CNDDDB; CDFW 2025), the Project site is largely

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://wildlife.ca.gov/Data/BIOS>

Chris Garcia
City of San Marcos
July 11, 2025
Page 3 of 15

undeveloped and likely supports native vegetation communities. Two unnamed stream tributaries traverse the center of the site east to San Marcos Creek.

Per CNDDDB records, several sensitive species have been documented within the vicinity of the Project area including:

Birds

- white-tailed kite (*Elanus leucurus*; State Fully Protected Species)
- coastal California gnatcatcher (*Poliophtila californica californica*; Endangered Species Act (ESA)-listed threatened; California Species of Special Concern (SSC); gnatcatcher)
- northern harrier (*Circus hudsonius*; SSC)
- southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; CDFW Watch List Species (WL))

Plants

- thread-leaved brodiaea (*Brodiaea filifolia*; ESA-listed threatened, CESA-listed endangered)
- Parry's tetraococcus (*Tetraococcus dioicus*; California Rare Plant Rank (CRPR) 1B.2)

Floristic resources for Crotch's bumble bee (*Bombus crotchii*; California Endangered Species Act (CESA)-listed candidate) may also occur on site.

The NOP indicates the Project will impact 68 acres of habitat and preserve 50 acres on site as a Biological Open Space Area, but does not disclose which land cover types will be impacted and/or preserved. Additionally, the NOP is unclear whether the remaining 18.1 acres on site represents the existing homes.

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) Cumulative Impact. Given several development projects currently being pursued by the City for which CDFW is acting as a Responsible and Trustee Agency under CEQA (i.e., Pacific Specific Plan and Sancerra Development), CDFW recommends the DEIR includes an analysis and discussion of whether the Project's impacts to biological resources are 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 impacts

Chris Garcia
City of San Marcos
July 11, 2025
Page 4 of 15

should be supported by evidence to make those conclusions. Specifically, if the City concludes 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)).

- 2) Project Design. CDFW recommends the DEIR include a discussion of Project design and configuration in relation to existing open space areas and their biological resources. The discussion should confirm whether development areas will be consolidated and sited within the least sensitive biological resource areas. CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.
- 3) Special-Status Birds and Raptors. CNDDDB records indicate several special-status birds and raptors were observed adjacent to the Project area including white-tailed kite, gnatcatcher, northern harrier, and southern California rufous crowned sparrow (CDFW 2025). CDFW recommends the DEIR analyze the potential for the following species to occur within the Project area:
 - a. White-tailed kite. A white-tailed kite was observed flying approximately 0.52 mile southeast of the Project area in 2022. White-tailed kite is a State Fully Protected Species under Fish & G. Code § 3511 and Fully Protected Species may not be taken or possessed at any time except with authorization from CDFW and only under specific circumstances which would not apply to the Project. To avoid take of white-tailed kite, CDFW recommends Project work activities occur outside of the nesting season and a qualified biologist conduct focused surveys for white-tailed kite within the Project area prior to the start of construction activities (see Comment 4). If white-tailed kite is detected nesting in trees within the Project disturbance area, CDFW recommends the qualified biologist establish a 500-foot no work buffer around the nest. Additionally, the DEIR should include a discussion of how potential direct, indirect, and cumulative impacts to white-tailed kite will be fully avoided. Permanent impacts to any foraging habitat for white-tailed kite should be described in the DEIR and should be considered significant unless mitigation is provided.
 - b. Coastal California gnatcatcher. Gnatcatchers have been observed foraging within a half mile of the project area as recently as 2023, and it is likely the Project area will contain suitable habitat for gnatcatcher. To confirm the presence or absence of gnatcatcher on site, CDFW recommends the Project Proponent conduct protocol surveys for gnatcatcher within any suitable habitat following the United States Fish and Wildlife Service’s (USFWS) [Survey Guidelines for the Coastal California Gnatcatcher](#)⁴ (USFWS 1997). The results of the surveys should be discussed and analyzed in the DEIR. If gnatcatcher is detected during surveys,

⁴ <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-coastal-california-gnatcatcher.pdf>

Chris Garcia
City of San Marcos
July 11, 2025
Page 5 of 15

CDFW recommends the Project Proponent consult with USFWS on appropriate avoidance, minimization, and mitigation measures.

- 4) Nesting Birds and Raptors. CDFW recommends vegetation clearing occur outside of the avian nesting season, which generally runs from February 1 through September 15 (as early as January 1 for some raptors). If Project construction is necessary during the avian nesting season, a qualified biologist with experience in conducting nesting bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer shall be established between the construction activities and the nest so nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be allowable depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 5) Crotch's bumble bee. The Project site may contain suitable foraging or nesting habitat for Crotch's bumble bee. Crotch's bumble bee can use a variety of upland land cover types for foraging and often nest underground, sometimes occupying abandoned rodent burrows (Hatfield et al., 2015). If Crotch's bumble bees are using burrows on the Project site for nesting, direct impacts could result from ground-disturbing activities, which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. Additionally, the Project may result in temporal or permanent loss of foraging habitat. Any use of pesticides on site also has the potential to directly harm or kill Crotch's bumble bee.
 - a. Protection Status. The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as threatened or endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Inverts of Conservation Priority List](#)⁵ (CDFW 2017). Crotch's bumble bee also meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

Chris Garcia
City of San Marcos
July 11, 2025
Page 6 of 15

require a mandatory finding of significance by the City (CEQA Guidelines, § 1565).

- b. Surveys and Disclosure. CDFW recommends the Project Proponent retain a qualified biologist familiar with the species to survey the Project site for Crotch's bumble bee and suitable habitat. Surveys should be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey should also occur within one year prior to vegetation removal and/or ground disturbance and adhere to the [Survey Considerations for CESA Candidate Bumble Bee Species](#)⁶ (CDFW 2023). The DEIR should provide full disclosure of the presence of Crotch's bumble bee and the Project's potential impact on Crotch's bumble bee.
 - c. Avoidance, Minimization, and Mitigation. If the site is determined to be occupied by Crotch's bumble bee, the DEIR should include measures to avoid impacts on Crotch's bumble bee. If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 50-foot no-disturbance buffer zones should be established around nests to reduce the risk of take. Additionally, the DEIR should require consultation with CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, the Project Proponent should provide compensatory mitigation for removal or damage to any floral resource associated with Crotch's bumble bee. Floral resources should be replaced as close to their original location as is feasible.
- 6) Thread-leaved brodiaea. CNDDDB records indicate critical habitat for thread-leaved brodiaea occurs 1.3 miles west of the Project area (CDFW 2025). Given populations of thread-leaved brodiaea have been documented throughout the City and the vegetation cover types within the Project area are not yet disclosed, CDFW recommends the DEIR include an analysis of the potential for this species to occur on site.
 - 7) Rare Plants. Parry's tetracoccus was historically detected on the eastern end of the Project site in 1999 (CDFW 2025). CDFW recommends biological surveys for rare plants be conducted within the Project area and survey results are disclosed in the DEIR. Additionally, we recommend the DEIR discuss how direct impacts to rare plants within the disturbance area will be avoided. For example, CDFW recommends a qualified biologist be on site during any vegetation clearing to flag plants for avoidance and establish no-work buffers around plants.
 - 8) Lake and Streambed Alteration Notification. There are two unnamed stream tributaries of San Marcos Creek within the central portion of the Project area (CDFW 2025). If Project impacts will occur to the bed, bank, and channel of the two tributaries, or any other delineated streams, the DEIR should analyze the impacts to

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Chris Garcia
City of San Marcos
July 11, 2025
Page 7 of 15

these wetland and/or riparian areas and include mitigation to offset impacts. CDFW recommends the Project Proponent submit a Lake and Streambed Alteration Notification pursuant to Fish & G. Code, § 1600 *et seq.*)

- 9) Artificial Nighttime Lighting. The DEIR should discuss any artificial nighttime lighting to be utilized or installed during Project construction and/or operation. CDFW recommends the Project avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. If infeasible, any nighttime lighting should be directed downwards and shielded away from adjacent open space areas; this includes lighting associated with Project activities as well as any permanent lighting in the development.
- 10) Fuel Modification Zones. The City should ensure defensible space is provided and accounted for within proposed development areas and not accounted for as adjacent open space or conservation lands. The DEIR should include a thorough discussion of the following elements: (1) if fuel modification zones are being proposed as mitigation to offset impacts associated with the Project; and (2) if conserved open space is also proposed to serve as defensible space. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require on-going vegetation management.
- 11) Rodenticides. To avoid direct and indirect impacts to biological resources (i.e., rodents, raptors, and large mammals), the DEIR should include a mitigation measure to prohibit any use of first-generation anticoagulant rodenticides (i.e., diphacinone, chlorophacinone, and warfarin) and second-generation anticoagulant rodenticides (e.g., brodifacoum, bromadiolone, difethialone, and difenacoum) on site during Project implementation and for long-term management, operations, and maintenance activities.
- 12) Use of Native Plants and Trees. CDFW recommends the City require the Project Proponent to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate', 'High', 'Limited', and 'Watch' by the [California Invasive Plant Council](https://www.cal-ipc.org/plants/inventory/)⁷ CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting native species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, vines, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds

⁷ <https://www.cal-ipc.org/plants/inventory/>

Chris Garcia
City of San Marcos
July 11, 2025
Page 8 of 15

and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the 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, CDFW recommends the following information be included in the DEIR.
 - a. A complete discussion of the purpose and need for, and description of the proposed Project.
 - b. A range of feasible alternatives to the Project location to avoid or otherwise 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 otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends 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.
 - 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 DEIR 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 designs 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.

Chris Garcia
City of San Marcos
July 11, 2025
Page 9 of 15

- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place 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 Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
- a. Information on the regional setting, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities webpage](#)⁸.
 - 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](#)⁹. 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 will be both evident and identifiable. Usually, this is 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](#)¹⁰, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment.

⁸ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

⁹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

¹⁰ <https://vegetation.cnps.org/>

Chris Garcia
City of San Marcos
July 11, 2025
Page 10 of 15

Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site.

- 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](#)¹¹ (CNDDDB). The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document 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 year and time of day 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](#)¹² for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.
- f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB 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. Some aspects of the proposed Project 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 DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological

¹¹ <https://wildlife.ca.gov/Data/CNDDDB>

¹² <https://wildlife.ca.gov/conservation/survey-protocols>

Chris Garcia
City of San Marcos
July 11, 2025
Page 11 of 15

resources with specific measures to offset such impacts. The DEIR should address the following.

- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources 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.)).
- b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
- c. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.
- 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 the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
- e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

5) 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, §§ 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 lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

- a. The DEIR 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

Chris Garcia
City of San Marcos
July 11, 2025
Page 12 of 15

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 DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR 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.

ENVIRONMENTAL DATA

CEQA requires 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 (CNDDDB). The [CNDDDB website](#)¹³ provides directions regarding the types of information to 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](#)¹⁴.

The City should ensure data collected for the preparation of the DEIR 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 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 NOP to assist the City of San Marcos in identifying and mitigating Project impacts on biological resources.

¹³ <https://wildlife.ca.gov/Data/CNDDDB>

¹⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Chris Garcia
City of San Marcos
July 11, 2025
Page 13 of 15

Questions regarding this letter or further coordination should be directed to [Alison Kalinowski](#)¹⁵, Environmental Scientist.

Sincerely,

Signed by:

AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Project Location Map, Notice of Preparation

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

[United States Fish and Wildlife Service](#)
Jonathan Snyder, jonathan_d_snyder@fws.gov

[Office of Planning and Research](#)
State.Clearinghouse@opr.ca.gov

REFERENCES

California Department of Fish and Game. 2011. *CNDDDB Data Use Guidelines*. Retrieved from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=27285&inline>

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California Department of Fish and Wildlife. 2021. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

¹⁵ Phone: 858-775-6320; Email: alison.kalinowski@wildlife.ca.gov

Chris Garcia
City of San Marcos
July 11, 2025
Page 14 of 15

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July 11, 2025
Page 15 of 15

ATTACHMENT A. PROJECT LOCATION MAP (City of San Marcos 2025).

Project Location Map:

