APPENDIX A

NOP AND COMMENT LETTERS

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND SCOPING MEETING CITY OF SAN JUAN CAPISTRANO

PROJECT NAME: Legacy Ranch – Northwest Open Space Specific Plan Amendment

NOTICE IS HEREBY GIVEN that the City of San Juan Capistrano (City), in its capacity as lead agency for the Legacy Ranch Project (proposed project), has determined that a Draft Environmental Impact Report (EIR) should be prepared for the proposed project. The City will prepare a Draft EIR to analyze the impact of the proposed project in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000 *et seq.*).

In accordance with the provisions of the State CEQA Guidelines (Cal. Code of Regs., Section 15082(a)), this Notice of Preparation (NOP) provides responsible and trustee agencies, nearby property owners, and other interested parties with a description of the proposed project and information on its potential environmental effects. The City also invites input and/or comments from public agencies and the general public as to the scope and content of the environmental information that will be studied in connection with this project.

PROJECT LOCATION: The approximately 65.5-acre project site is located at 30291 Camino Capistrano, within the Northwest Open Space (NWOS) Specific Plan Area in San Juan Capistrano, Orange County (Assessor's Parcel Numbers [APNs] 121-050-03, -04, -14, -17, -18, -19, -20, and -29). The project site is bounded by single- family residential uses to the north, Camino Capistrano to the east, The Groves Apartments (multi-family residential) to the south, and an Orange County Transportation Authority (OCTA)-owned rail line to the west utilized by the Metrolink commuter rail service and Amtrak's Pacific Surfliner route. Regional access is provided by Interstate 5 (I-5) east of the site, with direct access via Camino Capistrano, a Secondary Arterial roadway per the City's General Plan.

PROJECT DESCRIPTION: The proposed project would develop the project site with the Legacy Ranch, which would consist of nine cores: Equestrian Core, Farm Stay Core, Chapel Core, Swanner House Core, Agricultural Core, Event Barn Core, Community Building Core, Natural Core, and Trail Core. Each core would incorporate community amenities, as described in more detail below. Most of the proposed uses and activities are currently identified as permissible uses in the NWOS Specific Plan; however, the following proposed uses and activities are not currently permitted:

- Up to four equestrian caretaker residences (adjunct to the equestrian facilities)
- Up to 70 overnight farm stay units and accessory uses and structures, including eating and drinking establishments open to the general public
- Retail farm stands
- Public passive recreation amenities

As such, the proposed project includes an Amendment to the NWOS Specific Plan in order to develop the Legacy Ranch on the project site. The amended NWOS Specific Plan would add the new land uses and activities identified above as permitted uses of the NWOS Specific Plan.

In addition, the proposed project is pursuing a CUP for use of the project site as a venue for group activities and community events, such as organized gatherings with a shared purpose (e.g., recreational, educational, cultural, or social), occurring between 8:00 a.m. and 11:00 p.m. The CUP would also allow food and beverage services, including the service of alcoholic beverages in full compliance with all applicable permits and regulations of the California Department of Alcoholic Beverage Control (ABC) and the use of amplified sound equipment, provided it does not exceed the noise limits established in the City of San Juan Capistrano's Noise Ordinance. The CUP would permit a maximum of 500 combined on-site guests and participants at any one time, inclusive of individuals attending events at the Swanner House. Any single or combined activity/event exceeding 500 participants at any one time would require a separate Special Activities Permit pursuant to San Juan Capistrano Municipal Code Section 9-3.547. The Special Activities Permit would provide for an increased number of attendees/participants in excess of the CUP threshold for a time period not to exceed 32 days per calendar year.

The proposed project would also amend the development standards of the NWOS Specific Plan, including reducing the required setback from the railroad track from 50 feet to 20 feet, removing the required internal setbacks from the Swanner House and Dr. Joe Cortese Dog Park, and reducing the required setback from the existing trails from 25 feet to 5 feet. The proposed project would preserve the existing uses on the project site, including the Swanner House, Dr. John Cortese Dog Park, and Putuidem Village, and would provide greater access to each of these existing uses.

Access, Circulation, and Parking: Access to the proposed Legacy Ranch would be provided by three ingress/egress driveways from Camino Capistrano, including the existing access driveway south of the Swanner House and two proposed driveways that would provide access to the Community Building Core and entry road parking areas. Overall, the proposed project would provide a total of approximately 500 dedicated parking spaces. For large events, an additional approximately 1,225 temporary parking spaces could be provided by utilizing other areas throughout the project site. The location of temporary parking would be determined as part of securing a Conditional Use Permit, which may require the need for valet parking or a Special Activities Permit, which could further include additional temporary parking off-site and use of valet parking services.

The proposed project would also include a pedestrian bridge over Trabuco Creek that would connect the Community Building Core to the rest of the Legacy Ranch, internal decomposed granite roads, pedestrian paths, and new trail connections to the Trabuco Creek Trail throughout the project site.

Landscaping and Open Space: The proposed project would include active and passive recreational facilities and extensive open space. Some existing trees and vegetation on the project site would be maintained and the proposed project would include new landscaping throughout the project site.

In addition, the approximately 14-acre existing conservation covenant encompassing Trabuco Creek and both its banks would be untouched by the proposed project. Development of proposed structures would be set back from the covenant boundary by an approximately 100-foot buffer, consistent with the NWOS Specific Plan Development Standards. Although the proposed pedestrian bridge over Trabuco Creek itself would traverse the 100-foot buffer and the Trabuco Creek conservation covenant, the footings for the proposed bridge are planned to be located outside of the jurisdictional boundary of the creek area.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: Pursuant to CEQA Guidelines Section 15063, the City has determined that an EIR will be required for this project. An Initial Study for the proposed project, which is available for review online, at the City's Development Services Department, and at the San Juan Capistrano Library (as listed below), has been prepared to evaluate the potential environmental impacts of the proposed project. Based on the conclusions in the Initial Study, the following topics will be scoped out of the EIR: agriculture and forestry resources; land use and planning; mineral resources; population and housing; public services; recreation; and wildfire. These topic areas were adequately analyzed in the Initial Study, which will be included as an appendix to the focused EIR. Therefore, the focused EIR will analyze whether the proposed project would have a significant environmental impact in the following areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

CORTESE LIST NOTICE: Per Public Resources Code § 21092.6(a), the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

PUBLIC SCOPING MEETING: The City will hold a scoping meeting from 6:00 p.m. to 8:00 p.m. on **November 19, 2025**, at the La Sala Auditorium at 31495 El Camino Real – Entrance North of the Library, San Juan Capistrano, CA 92675. The purpose of the scoping meeting is to present the proposed project, describe the Draft EIR process, and receive public comments. The City invites interested parties to participate in the scoping meeting to learn more about the project, ask questions, and submit comments.

DOCUMENT AVAILABILITY: This Notice of Preparation (NOP) and the Initial Study prepared for the proposed project is available for review at the following locations

- City of San Juan Capistrano, Development Services Department, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675
- San Juan Capistrano Library, 31495 El Camino Real, San Juan Capistrano, CA 92675
- City's website at the following address: https://sanjuancapistrano.org/221/Environmental-Documents

WRITTEN COMMENTS: All interested parties, including the public, responsible agencies, and trustee agencies, are invited to provide comments and input on the scope and content of the environmental analysis to be addressed in the Draft EIR. Responsible and trustee agencies should provide comments and input related to the agencies' respective areas of statutory responsibility. Comments received during the scoping period will be considered during preparation of the Draft EIR. The NOP comment period begins on ***November 13, 2025, and ends on December 15, 2025***. Written comments must be submitted to the City of San Juan Capistrano by November 28, 2025, at 5:30 p.m., to be timely for consideration in the preparation of the EIR. Please direct your comments by e-mail or U.S. mail to:

Laura Stokes, Planning Manager, City of San Juan Capistrano, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675 or Lstokes@sanjuancapistrano.org

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
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Yokayo Pomo, Yuki, Nomlaki

SECRETARY
Isaac Bojorquez
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Stanley Rodriguez
Kumeyaay

COMMISSIONER
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NATIVE AMERICAN HERITAGE COMMISSION

November 14, 2025

Laura Stokes
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano CA 92675

RECEIVED
NOV 17 2025
DEVELOPMENT SERVICES

Re 2025110456 Legacy Ranch Project, Orange County

Dear Ms. Stokes:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

a. A brief description of the project.

b. The lead agency contact information.

c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).

d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.

b. Recommended mitigation measures.

c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

a. Type of environmental review necessary.

b. Significance of the tribal cultural resources.

c. Significance of the project's impacts on tribal cultural resources.

d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@NAHC.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

Legacy Ranch Environmental Impact Report

Scoping Meeting Comment Card

Name: Colton Almquist

(Please Print)

Email Address: _____ (optional)

Residence ZIP Code: _____ (optional)

Comment:

how this project impacts transportation and ~~AES~~ Aesthetics.

Legacy Ranch Environmental Impact Report

Scoping Meeting Comment Card

Name: Chandler Almquist
(Please Print)

Email Address: _____ (optional)

Residence ZIP Code: _____ (optional)

Comment:

Impacts to plants and animal's.

From: Marlene <mmdraper@cox.net>
Sent: Sunday, December 7, 2025 12:06 PM
To: City Clerk Office <cityclerk@sanjuancapistrano.org>
Subject: Legacy Ranch (NWOP) development

Please share this with the members of the City Council and as a response to the EIR.

Council members,

I urge you to vote no on the Legacy Ranch (NWOS) development.

In 2020 the Northwest open space specific plan was approved by the city council. It states the purpose of the area, "Preserving and protecting Open space uses, recreation, and trails"

In 2019 the City conducted a survey of residents regarding uses for the Northwest Open Space. The overwhelming response was to provide walking and or nature trails, natural open space and a Native American village.

In 1990, the residents of San Juan Capistrano, voted to incur an additional property tax in order to purchase and preserve open space and safeguard a unique lifestyle amidst rapid development in surrounding areas of South Orange County.

This proposal contains multiple elements that are inconsistent with the specific plan for the Northwest Open Space, the 2019 community survey and the original 1990 ballot measure to incur additional taxes . The development plan includes three medium to large event venues, a chapel, food and beverage service areas and "farm stay", 2 and 3 bedroom units, which is simply an alternative phrase for motel.

Measure X was placed on the ballot in 2008. The measure states, "Shall the voters of the City of San Juan Capistrano adopt an ordinance adding section 9-2.104 to the Municipal Code requiring that any pending or future proposed General Plan designation change for any land presently designated as "Open Space" in the City's General Plan to another allowable use shall not become legally effective unless the city electorate approves the proposed General Plan change at a special or general city election?"

This was approved by 78.8% of the community voters. That again it's another example of how the majority of people in San Juan Capistrano treasure our open space and do not want to see development such as this be approved.

Respectfully,
Marlene Draper
31141 Via Cristal
San Juan Capistrano, CA 92675

Sent from my iPad

From: Larry Kramer <larrykramer11@att.net>
Sent: Tuesday, December 9, 2025 12:15 PM
To: Planning@sanjauncapistrano.org
Cc: Ben Siegel <BSiegel@sanjuancapistrano.org>
Subject: Fwd: Comments on the Initial Study for the Legacy Ranch (NWOS)

Begin forwarded message:

From: Larry Kramer <larrykramer11@att.net>
Subject: Comments on the Initial Study for the Legacy Ranch (NWOS)
Date: December 9, 2025 at 12:01:15 PM PST
To: Laura Stokes <lstokes@sanjuancapistrano.org>

Hello Laura, These are my comments on the initial study. Larry Kramer

3.1 AESTHETICS

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

This would have a significant impact. As one enters San Juan Capistrano from he North there is a sense of piece and quiet because it is dark and unlit by the glare of civilization, This project would destroy that feeling and could not be mitigated except by not lighting from sun down to sun up.

3.4 BIOLOGICAL RESOURCES

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The project will include up to 149 horses with their associated urine and feces. As we have seen with the Riding Park, considerable effort has to be made to keep this material from contaminating Trabuco Creek. I see no retention ponds in the plan which would contain this material. The land required is considerable.

The proposed pedestrian bridge construction would cause damage to the preserved area and may cause damage in Trabuco Creek. Is it even compatible with the proposed fish ladder?

3.6 ENERGY

b. Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

The development could do much better by requiring that all structures be covered with solar panels and batteries installed to store the energy. Any heating of structures or water should be done with heat pumps.

3.7 GEOLOGY AND SOILS

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

I disagree that there would be no impact. The project assumes that the existing sewer line to Moulton Niguel Water District would be adequate and that the District is willing and able to handle the additional waste water. At present the line is only required to handle the Swanner House and a future two bathrooms. The project envisions 70 cottage and 3 homes and the stable. I would expect a much larger sewer line will be required to handle the additional load or septic systems would be needed. Moulton Nigel Water District should be consulted to determine what changes to the sewer line would be required. I can understand one small home associated with the equestrian stable but three homes seems like overkill.

3.10 HYDROLOGY AND WATER QUALITY

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

As stated above how do we insure that run off from equestrian use does not enter the preserved area or Trabuco Creek?

3.11 LAND USE AND PLANNING

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The plan alters the approved usage to such a degree that it violates the intention of Measure X and should be presented for a vote of the residents of San Juan Capistrano.

3.16 RECREATION

b. Would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The addition of 70 units and a wedding chapel will not benefit most of the residents but would result in a large part of the NWOS not being available for residents' use.

3.19 UTILITIES AND SERVICE SYSTEMS

a. Would the project require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electrical power, natural gas or telecommunication facilities, the construction of which could cause significant environmental effects?

Would require a new extended pipeline. Would pumping be required?

Also need land to retain stormwater with equestrian considerations.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

b. Does the project have impacts that are individually limited, but cumulatively considerable?

Yes, see Measure X

The wedding chapel should be removed from consideration . I am concerned that having a chapel on the site would be detrimental to the residents use of the park. Most weddings occur on weekends and I fear that the park would be partially or significantly closed when weddings take place thus denying the use of the park during the time of the week when residents would most want to be there.

The chapel seems more like Las Vegas than San Juan Capistrano.

From: Mitch Frisch
To: Laura Stokes
Subject: The Northwest Open Space
Date: Tuesday, December 9, 2025 9:43:29 AM

Hello Laura,

I am a 22 year resident in SJC and do not support any private vs. public plan. We have been paying for the bond since 1990.

Public plan not Private hotel type plan

Thank you
Mitch Frisch

From: Karen Rottmann <mksjc@cox.net>
Sent: Tuesday, December 9, 2025 12:15 PM
To: Laura Stokes <LStokes@sanjuancapistrano.org>
Subject: northwest open space

I strongly disagree with any use of this area for private uses or hard development that restricts public access either visually or for privat recreation Mark Rottmann 31252 Belford Dr. SJC

From: Erin Beyer <erintbeyer@gmail.com>
Sent: Wednesday, December 10, 2025 6:30 PM
To: Laura Stokes <LStokes@sanjuancapistrano.org>
Subject: NW Open Space-Legacy Ranch - Comment Period

Hello Laura,

I wanted to share some thoughts on the project (Initial Study) and its changes from what was presented to the city council originally. I attended the meetings three years ago when several developers submitted proposals for the NW Open Space. One of the proposals that was rejected by the council was for "glamping" as too intensive.

As you know, the citizens voted and taxed themselves to purchase that land in 1990 and they did so to prevent development. The original project that was selected in 2022 already had many environmental impacts that need to be addressed due to its equestrian use, but this project has now grown into a full-blown resort. And none of it will be accessible to the public nor for public benefit.

There is no way that a resort with pool, event centers, and cottages can be considered an "open space" use.

I don't even know how to comment on all of the impacts when we shouldn't even be considering this.
Open spaces are meant to be open and utilized for public benefit. This is a private enterprise on public land.

As such, we must put it to a vote (Measure X) to determine if the residents want to lease or even sell our property for private use. And if we are going to allow it to be used for private enterprise, then we should know exactly how much we, as residents, benefit from that. It is after all, our land.

But as it sits, because of Measure X, and the intent of the voters in 1990, there should not be private development built on public land.

Thank you for your time.

Erin

Erin Beyer
Email: erintbeyer@gmail.com
Phone: 949-521-2734

From: Edward Beyer
To: Erin Beyer; Laura Stokes
Subject: RE: NW Open Space-Legacy Ranch - Comment Period
Date: Thursday, December 11, 2025 7:52:29 AM
Attachments: image001.jpg

This is nice.

What should I do ?

Edward W. Beyer
www.transwestinvestigations.com

213-381-1500

This email and attachments may be subject to the Attorney work product doctrine and its contents may contain sensitive and confidential material. Do not forward to any other recipients not intended or allowed within this communication.

From: Erin Beyer <erintbeyer@gmail.com>
Sent: Wednesday, December 10, 2025 6:30 PM
To: 'Laura Stokes' <LStokes@sanjuancapistrano.org>
Subject: NW Open Space-Legacy Ranch - Comment Period

Hello Laura,

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But as it sits, because of Measure X, and the intent of the voters in 1990, there should not be private development built on public land.

Thank you for your time.

Erin

Erin Beyer

Email: erintbeyer@gmail.com
Phone: 949-521-2734

26901 Canyon Crest Road
San Juan Capistrano
27-year resident

California Department of Transportation

DISTRICT 12
1750 East 4th Street, Suite 100 | SANTA ANA, CA 92705
(657) 328-6000 | FAX (657) 328-6522 TTY 711
https://dot.ca.gov/caltrans-near-me/district12

December 11, 2025

Ms. Laura Stokes
Principal Analyst
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

File: LDR/CEQA
SCH: 2025110456
12-ORA-2025-02992
I-5 PM 11.68

Dear Ms. Stokes,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation of a Draft EIR for the Legacy Ranch Project In the City of San Juan Capistrano (City). The mission of Caltrans is improving lives and communities through transportation.
The proposed project includes an Amendment to the Northwest Open Space Area Specific Plan Specific Plan to allow for development of the Legacy Ranch on the project site. The proposed Legacy Ranch would consist of nine cores: Equestrian Core, Farm Stay Core, Chapel Core, Swanner House Core, Agricultural Core, Event Barn Core, Community Building Core, Natural Core, and Trail Core. Each core would incorporate various community amenities. The proposed project also includes the preservation of the existing uses on the project site, including the Swanner House, Dr. John Cortese Dog Park, and Putuidem Village, and would provide greater access to each of these existing uses. In 1993, the NWOS property was acquired by the City for potential future park use. The original property encompassed approximately 70 acres. In 2020, a 3.85-acre portion of the property bounded by Camino Capistrano, Junipero Serra Road and Trabuco Creek was acquired by C&C Development for development of an affordable housing project. Regional access to the various sites is provided by 1-5, SR-73, and SR-74. Caltrans is a commenting agency on this project and has the following comments:

1. Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional,

interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

2. New residential infill development offers an opportunity to encourage multimodal transportation options. Caltrans encourages the project to look at opportunities to include Complete Streets improvements in the project, and/or to improve bicycle, pedestrian, and transit access and connectivity to nearby bikeway, sidewalk, and transit facilities. Complete Streets improvements also promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation.

3. The project area is located by a Class II Bike Lane on Camino Capistrano. Caltrans thus recommends the inclusion of additional secure and functional short-term bike parking. Short-term bike parking at public locations should be placed in visible areas that are close to main destinations and should be installed at least 24" away from walls and other objects (e.g. trash cans, plants, etc.). With the increasing popularity of electric bikes and cargo/utility bikes, bike parking should also be designed to accommodate different styles, sizes, and weights of bikes (e.g. cargo bike, bike with trailer, adult tricycle, etc.). For additional guidance on bicycle parking best practices, see the "Essentials of Bike Parking" guidance created by the Association of Pedestrian and Bicycle Professionals (link to online PDF: https://www.apbp.org/Publications).

4. Consider identifying potential Complete Streets elements on existing or planned pedestrian and bicycle facilities on the Proposed Amenities map (on Page 6 of the Notice to Proceed and Figure 2-4 of the Initial Study), in the areas that are not currently highlighted, including the areas around Trabuco Creek Trail and bordering Camino Capistrano. If there are no existing or planned amenities (whether CS or otherwise), please consider indicating these are not part of the project on project maps for clarification (such as Figure 1 of the Notice to Proceed, which has the entire area colored yellow).

5. Caltrans encourages the City to continue coordination with the Orange County Transportation Authority (OCTA) for opportunities to enhance multimodal transit strategies.

6. Caltrans encourages the City to look at transit mobility opportunities to connect to the nearby OCTA 91 bus services and the San Juan Capistrano train station for local and regional connectivity with the Metrolink and Amtrak Pacific Surfliner rail services. The project involves pursuing a Conditional Use Permit for group activities and community events that may attract large crowds. Up to 1,225 temporary parking spaces could be provided on-site.

7. Caltrans supports incorporating multimodal transportation and transit strategies to help mitigate parking and traffic impacts on the surrounding area during events and beyond.

8. Please include discussion relating to City's Circulation Element in promoting an advanced public transportation network (Circulation Goal 2).

9. Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. If coordination is not required, please submit an encroachment permit application package (EPAP) through the Caltrans Encroachment Permit System (CEPS - https://ceps.dot.ca.gov/). EPAP should include application, PE signed and stamped site-specific traffic control plan, insurance, letter of authorizations as needed, and any other relevant documents. EPAP should be submitted as early as possible to avoid any delays.

10. Project plans and traffic control plans must be stamped and signed by a licensed engineer. For all plans, including traffic control plans, Caltrans R/W lines should be clearly labeled, which include existing and proposed (if there are any changes to Caltrans R/W), the north arrow, the edge of pavement, and edge of the sidewalk, if applicable. When submitting the application, please include final Environmental Clearance Documentation, relevant design details including design exception approvals and construction and drainage plans, traffic control plans, traffic management plan and traffic impact study if proposed traffic delay of 30 minutes above normal recurring traffic delay is anticipated, any Caltrans R/W certifications if needed, maintenance agreement as needed, shoring plans for any excavation 5-feet or more, ADA certification, and any letter of authorizations.

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Joseph Jamoralin at Joseph.Jamoralin@dot.ca.gov.

Sincerely,

Scott Shelley (Dec 11, 2025 15:29:05 PST)

Scott Shelley
Branch Chief, Local Development Review-Climate Change-Transit Grants
Caltrans, District 12

From: Tim Hankins
To: Laura Stokes
Subject: Legacy Ranch Initial Study
Date: Thursday, December 11, 2025 6:26:26 PM

Dear Ms. Stokes,

I have reviewed the initial study and find that I'm not in favor of the proposed development. The proposed development appears to benefit a specific entity at the expense of the community. Please advise how I can make my opinion known and participate in future reviews and meetings.

Thank you,

Tim Hankins
26601 Via La Jolla
San Juan Capistrano, CA 92675
(978)460-4216
tehankins@aol.com

From: H WARREN SIEGEL
To: Laura Stokes
Subject: Northwest Open Space
Date: Friday, December 12, 2025 10:38:07 AM

Please add my comments to the public forum on consideration of proposal for use of Northwest Open Space.

To members of the City Council

Northwest Open Space was purchased by the City through a bond issue in 1990 and passed by the majority of voters in San Juan Capistrano. The property therefore belongs to the residents of the City. For the City to now turn the property over to one person to benefit financially was not the intent of the bond issue.

The bond issue was passed originally to preserve open space for the entire community.

In the initial proposal for expanding the property, it detailed using the property for the equestrian community with trails, barns and stables. That would be community use.

I hope the City Council will review this new proposal and remember why the bond issue was passed.

Thank you.

Jan Siegel

From: jimv0721@icloud.com
To: Laura Stokes
Subject: Northwest Open Space project
Date: Saturday, December 13, 2025 9:38:05 AM

Please register my disagreement with the number of units proposed under project. 70 units is way too many to be incorporated into this public area. Traffic going into this open space should be limited to preserve the reason it was originally intended for! OPEN SPACE
Sent from my iPhone

From: TUCKER
To: Laura Stokes
Cc: TUCKER TUCKER
Subject: Lagacy Project
Date: Saturday, December 13, 2025 4:30:26 PM

How do I send request to not allow Legacy Project on our open space? Our open space should remain open space!
Gary
949.412.2280

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

December15, 2025

Ms. Laura Stokes
Planning Manager
City of San Juan Capistrano
Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Via: Lstokes@sanjuancapistrano.org

Subject: **Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the Legacy Ranch Project**

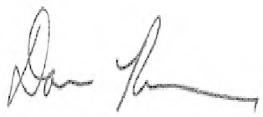
Dear Ms. Stokes:

Thank you for the opportunity for the Orange County Transportation Authority (OCTA) to review the Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the Legacy Ranch Project. The following comments are provided for your consideration:

- Please ensure the installation of an appropriate barrier or fencing adjacent to the railroad tracks to prevent any public access to the OCTA Right-of-Way (ROW) for safety. Please coordinate with OCTA for design and construction.
- Any lighting installed near the tracks should be directed away from the tracks to avoid vision impairment for train operators. Please provide lighting plan for OCTA review.
- Drainage should be designed and directed away from the tracks to prevent impacts on rail infrastructure. Please provide drainage plans for OCTA review.
- Prior to construction, please coordinate with the OCTA ROW Department for permits for access with OCTA.
- All improvements and construction activities within or adjacent to the rail corridor must comply with Southern California Regional Rail Authority standards, design criteria may be viewed at the link below. scrra_design_criteria_manual.pdf

Thank you for the opportunity to review this document. Should you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,



Dan Phu
Director, Transportation Planning and Analysis

DP:tc

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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

December 15, 2025

Laura Stokes
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
Lstokes@sanjuancapistrano.org

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Legacy Ranch Project, SCH No. 2025110456, Orange County, CA

Dear Laura Stokes:

The California Department of Fish and Wildlife (CDFW) reviewed the Initial Study (IS) and Notice of Preparation (NOP) from the City of San Juan Capistrano (City) for the Legacy Ranch (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 regulatory authority as provided by the Fish and Game Code. As proposed, for

[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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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.

PROJECT DESCRIPTION SUMMARY

Proponent: Legacy Ranch Partners, LLC (LRP)

Objective: The objective of the Project is to develop the Legacy Ranch, which includes equestrian facilities, farm stay units, a chapel, and event space. There will also be agricultural and recreational uses within the Project area. Primary Project activities include site preparation, excavation, grading, dewatering, and construction.

Location: The Project is located at 30291 Camino Capistrano, within the Northwest Open Space (NWOS) Specific Plan Area in San Juan Capistrano, Orange County. The Project site is bound by single-family residential uses to the north, Camino Capistrano to the east, The Groves Apartments (multi-family residential) to the south, and an Orange County Transportation Authority-owned rail line to the west. Regional access is provided by Interstate 5 east of the site, with direct access via Camino Capistrano. Trabuco Creek and the Trabuco Creek Trail traverse the Project site, parallel to Camino Capistrano.

Biological Setting: While the NOP states the site has grassland, shrubs, and mature trees, it does not include a biological report, nor does it disclose specific biological resources that may occur on site. The document also states that Trabuco Creek runs along the eastern side of the site and has a densely vegetated riparian corridor. This riparian area is covenanted with a 14-acre conservation easement that encompasses Trabuco Creek and both its banks.

CDFW has historical records of the following species on and around the site:

Birds

a. Coastal California gnatcatcher (*Polioptila californica californica*; Endangered Species Act (ESA)-listed threatened; California Species of Special Concern (SSC))

- White-tailed kite (*Elanus leucurus*; State Fully Protected Species)

[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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- Least bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered, CESA-listed endangered)
- Yellow warbler (*Dendroica petechia*; California SSC)
- Cooper's hawk (*Astur cooperii*)
- Yellow-breasted chat (*Icteria virens*; California SSC)

Amphibians/Reptiles

- Western pond turtle (*Emys marmorata*; SSC)

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) Conservation covenant area. Overall, the Draft Environmental Impact Report (DEIR) should provide more information about the conservation easement in the riparian corridor, including: the recordation number on file with the County Clerk's office, the grantee, allowed and prohibited uses of the easement, and whether the easement was recorded as part of mitigation obligations associated with a specific permit or project. We request that the DEIR clarify whether the Project will indirectly or directly impact the easement area, as the IS states no impacts will occur in or within 100 feet of the easement area, but Figure 2-3 shows trails, the "event barn", and the dog park within the easement and the 100-foot setback. Additionally, the NOP states construction of playgrounds, restrooms, shade structures, and signage is permitted within the required setbacks (page 28). Within this additional context, we recommend that the DEIR include mitigation measures which explicitly require avoidance of the easement area, or details as to how Project activities are compatible with the allowable and prohibited uses of the conservation easement.

2) 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. 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.

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

c. 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 (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.

d. 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.

3) Special-Status Birds and Raptors. California Natural Diversity database CNDDB records indicate several special-status birds and raptors were observed adjacent to the Project area including white-tailed kite, least bell's vireo, coastal California gnatcatcher, and yellow warbler (CDFW 2025). CDFW recommends the DEIR analyze the potential for the following species to occur within the Project area:

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e. White-tailed kite. According to the White-Tailed Kite Predicted Habitat and White-Tailed Kite Range datasets, the Project site occurs within the white-tailed kite's yearlong range and contains habitat of high suitability. In addition, an occurrence of white-tailed kite was reported to CNDDB within 1 mile of the Project site. 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 that 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.

f. Coastal California gnatcatcher. Gnatcatchers have been observed on site and in adjacent habitat. 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 (USFWS) Survey Guidelines for the Coastal California Gnatcatcher (USFWS 1997). If gnatcatcher is detected during surveys, CDFW recommends the Project Proponent consult with USFWS on appropriate avoidance, minimization, and mitigation measures.

g. Least Bell's vireo. CDFW recommends protocol level surveys on the Project site and within a 500-foot buffer to determine presence or absence of least Bell's vireo (LBVI). The DEIR should provide full disclosure of the presence of LBVI and the Project's potential impact on the species. Mitigation for direct, indirect, and cumulative impacts to the species should be determined after the completion of these surveys and included in the DEIR. If the Project would impact LBVI, the DEIR should include measures to avoid, minimize, and/or mitigate potential impacts to LBVI as well as the habitat supporting the species. Consultation with CDFW is recommended and may include obtaining appropriate incidental take authorization under CESA

4) Nesting Birds. The DEIR should include mitigation measures which avoid impacts to nesting birds. To avoid impacts on nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 and as early as January 1 for some raptors. If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct a

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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 active nest so that nesting activities are not interrupted. In general, CDFW recommends a 100-foot buffer for common avian species, 300 feet for listed or highly sensitive species, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect for the duration of all construction activities. No Project construction shall occur within the nesting buffer area 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) Equestrian impacts. The DEIR should include an evaluation of impacts from developing equestrian areas and include mitigation measures to reduce significant impacts. Given that Figure 2-3 in the NOP shows the equestrian area and public trails within the 100-foot offset from the conservation easement area, a discussion and analysis of impacts to the conserved riparian corridor from equestrian use should be included in that evaluation. Horses can significantly impact the habitat and water quality in an area, due to soil compaction, vegetation trampling, trail proliferation, and runoff from stables (Martin and Butler, 2017; Marion and Olive, 2006; Airaksinen, Heiskanen, & Heinonen-Tanski, 2007). In addition to impacts from general equestrian use, CDFW has concerns about brown-headed cowbird (*Molothrus ater*) in the area. Brown-headed cowbirds are notorious for laying their eggs in the nests of other birds and nest parasitism may increase with the presence of horses (Borgmann and Morrison, 2010). CDFW recommends the DEIR include mitigation measures which require cowbird monitoring and management by the Project Proponent.

6) Cattle impacts. Based on the IS, the direct and indirect impacts to biological resources from cattle are unclear. The DEIR should include a discussion of the intended cattle activities on the Project site and analyze the impacts to biological resources from these activities. Mitigation measures which lower the significance of these impacts should be included in the DEIR, if appropriate.

7) Water quality. While the NOP does not indicate any direct Project activities in Trabuco Creek, runoff from the equestrian or agricultural areas may cause impacts to water quality. The DEIR should discuss potential impacts to water quality and include mitigation measures which avoid and/or reduce these impacts.

8) 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

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during Project implementation and for long-term management, operations, and maintenance activities.

9) Herbicides and pesticides. Due to the proposed agricultural farm on the site, CDFW recommends the DEIR provide a discussion and analysis of the use of any herbicides and pesticides, specifically addressing potential impacts to the riparian corridor and the stream.

General Comments

10) 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).

11) 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 to 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 general 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 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).

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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.

12) 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.

e. Information on the regional setting 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)). 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.

f. 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* (CDFW 2021). 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

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floristic diversity at a level necessary to determine if special status plants are present.

g. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted on the Project site and within adjacent areas. The Manual of California Vegetation, 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 off site.

h. A complete and recent assessment of the biological resources associated with each habitat type on the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's California Natural Diversity Database (CNDDB). The CNDDB 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 CNDDB to determine a list of species potentially present on 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.

i. 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 for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.

j. A recent wildlife and rare plant survey. 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. 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.

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

k. 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.)).

l. 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)).

m. 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.

n. 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.

o. 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.

14) Cumulative Impact. 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 DEIR 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

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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 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)).

15) 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 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.

16) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.

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17) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DEIR 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 should be set aside to provide for long-term management of mitigation lands.

18) 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 or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seeks 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.

To ensure CDFW will be able to use the City's CEQA document for the issuance of an ITP, the DEIR 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.

19) Salvage, Relocation and Translocation of Plants and Animal Species. Salvage, relocation and translocation require the collection, handling, capturing or possession of wildlife and/or plants with the goal of moving or removing them from one location and permanently moving them to a new location. CDFW generally does not support the use of relocation or translocation as mitigation measure for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are often not monitored over the long-term and successful outcomes are dubious. CDFW has found that permanent preservation and management of habitat to support affected species is often a more effective long-term strategy for conserving plants and animals and their habitats.

20) Scientific Collecting Permit and Voucher Collecting Permit. A Scientific Collecting Permit would be necessary if there is a plan 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 relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession

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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.

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 scientific plant specimens of state-listed species, or who may encounter a state-listed 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.

21) 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 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[3].

22) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies[4]. 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

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

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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 be included in the DEIR 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 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).

23) Use of Native Plants and Trees. CDFW recommends the City require the Project Applicant 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[5] CDFW supports the use of native species found in naturally occurring plant

[5] https://www.cal-ipc.org/plants/inventory/

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

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[6] 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[7].

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 in identifying and mitigating Project impacts on biological resources.

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

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Questions regarding this letter or further coordination should be directed to Helena Candaele, Environmental Scientist, at (858) 527-8482 or Helena.candaele@wildlife.ca.gov.

Sincerely,

Signed by:
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AD7D070BCB66466...

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REFERENCES

Airaksinen, S., Heiskanen, M.L., and Heinonen-Tanski, H. 2007. Contamination of surface run-off water and soil in two horse paddocks. Bioresource Technology, 98(9).

Borgmann, K.L. and Morrison, M.L. 2010. Factors Influencing the Frequency of Nest Parasitism by Brown-Headed Cowbirds in the Northern Sierra Nevada. Western North American Naturalist, 70(2).

California Fish and Game Commission. (2005). Miscellaneous Policies. Retrieved from https://fgc.ca.gov/About/Policies/Miscellaneous

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

California Department of Fish and Wildlife. 2017. Terrestrial and Vernal Pool Invertebrate Species of Conservation Priority. Retrieved from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline

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

Docusign Envelope ID: 43F18BDA-233A-4D46-8144-3ACB357E86DE

California Department of Fish and Wildlife. 2023. Survey Considerations for CESA Candidate Bumble Bee Species. Retrieved from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

Marion, J.L. and Olive, N. 2006. Assessing and Understanding Trail Degradation: Results from Big South Fork National River and Recreational Area. National Park Service Final Research report.

Martin, R. and Butler, D.R. 2017. A Framework for Understanding Off-trail Trampling Impacts in Mountain Environments. The George Wright Forum, 34(3).

Sawyer, J. O., Keeler-Wolf, T., & Evens, J. M. 2009. A Manual of California Vegetation (Second ed.). Sacramento, CA: California Native Plant Society. Retrieved from https://vegetation.cnps.org/

United States Fish and Wildlife Service. (1997) Survey Guidelines for the Coastal California Gnatcatcher. Retrieved from: https://www.fws.gov/sites/default/files/documents/survey-protocol-for-coastal-california-gnatcatcher.pdf