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DEPARTMENT OF FISH AND WILDLIFE

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March 23, 2026

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Subject: Notice of Preparation and Initial Study of a Draft Programmatic Environmental Impact Report for the Palm/Goldenwest Specific Plan Amendment Project, SCH No. 2026020245, Orange County, CA

Dear Joana Cortez:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) and Initial Study from City of Huntington Beach (City) for the Palm/Goldenwest Specific Plan Amendment (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

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.
Conserving California's Wildlife Since 1870

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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 example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*) or the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a regional habitat conservation planning framework authorized under the NCCP Act (Fish and Game Code 2800 *et seq.*). The Orange County Transportation Authority (OCTA) implements the Measure M2 Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), which provides a regional conservation and mitigation strategy for freeway improvement projects funded through the Measure M2 transportation program. The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (collectively, the Wildlife Agencies) issued incidental take permits to OCTA under the federal Endangered

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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Species Act and the State Natural Community Conservation Planning Act to implement the program.

Project Description Summary

Proponent: The City of Huntington Beach

Objective: The proposed Project amends the Palm Goldenwest Specific Plan to redevelop the 92-acre Project site. The Project includes demolition and removal of existing oil and gas production infrastructure, which will require well abandonment, pipeline removal, soil remediation activities, and the future development of a mixed-use community consisting of residential, visitor-serving, and open space uses. The Project accommodates construction of up to 800 residential units, up to 350 hotel rooms or other permitted visitor-serving commercial uses, and various open space and park areas. Project buildout would also include construction of new vehicular access points, internal circulation roadways, multi-use paths, informational signage, and new or expanded utility and infrastructure connections.

The Palm Goldenwest Specific Plan Amendment divides the Project site into three planning areas:

- Planning Area 1 - 16 acres of Commercial Visitor uses
- Planning Area 2 - 53.2 acres of Medium Density Residential uses, subdivided into;
 - Planning Areas 2A [30.8 acres]
 - Planning Area 2B [22.4 acres]
- Planning Area 3 - 22.8 acres of open space/park uses, subdivided into;
 - Planning Area 3A [19.7 acres]
 - Planning Area 3B [3.1 acres]

The Project would allow Medium Density Residential units within Planning Area 2 and would establish development standards, background information, and implementation requirements for future residential and commercial development within the site.

The Draft Environmental Impact Report (DEIR) associated with the Project will analyze effects of implementing the maximum development allowed within the Project boundary. The NOP indicates that individual future development projects will undergo Project-specific environmental review pursuant to CEQA.

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Location: The Project site is located at 20101 Goldenwest Street and comprises approximately 92-acres of a 146-acre Palm/Goldenwest Specific Plan Area in the City of Huntington Beach, Orange County, California. The Project site is directly bordered by oil and gas production infrastructure and open space to the north; Goldenwest Street to the south; Palm Avenue, residential neighborhoods and Pattinson Park to the east; and PCH to the west.

Biological Setting: Most of the Project site is developed with oil and gas production facilities, and the undeveloped area in the northwest corner is characterized by ornamental vegetation such as Brazilian peppertree (*Schinus terebinthifolia*), California palm (*Washingtonia filifera*), African iris (*Dietes iridioides*), bottlebrush (*Callistemon* sp.), Chinese juniper (*Juniperus chinensis*), Indian hawthorne (*Rhaphiolepis indica*), bird of paradise (*Strelitzia* spp.), New Zealand flax (*Phormium tenax*), and mousehole tree (*Myoporum laetum*). The proposed open space across Seapoint Street (Planning Area 3B) consists of dense mats of invasive ice plant (*Carpobrotus edulis*).

East of the Project site, beyond residential neighborhoods, there are open space and walking trails associated with Harriett M. Wieder Regional Park (HMWRP). The HMWRP is host to one of OCTA's restored coastal sage scrub habitat mitigation sites, which supports a population of Southern tarplant (*Centromadia parryi* ssp. *australis*; California Native Plant Society (CNPS Rank 1B.1), actively managed by the Bolsa Chica Conservancy. The Project is also located within the California Coastal Zone pursuant to the California Coastal Act.

North of the Project site, beyond the oil and gas production infrastructure and open space, is Balsa Chica Ecological Reserve (BCER), which is owned by the State Lands Commission and managed by the California Department of Fish and Wildlife. BCER is an approximately 1,300-acre coastal estuary which contains open water, mudflats, coastal dunes, riparian habitats, freshwater marsh, and saltwater marsh. This reserve is an important stopover along the Pacific Flyway for hundreds of migratory bird species and is a critical reserve area that provides important habitat for sensitive wildlife species, including, but not limited to.:

- Western snowy plover (*Charadrius nivosus nivosus*; Federal Endangered Species Act (ESA)-listed threatened, California Species of Special Concern (SSC))
- Light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA-listed endangered, California Endangered Species Act (CESA)- listed endangered, State Fully Protected (FP))
- Coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened, SSC)

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- Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-listed endangered)
- California least tern (*Sterna antillarum browni*; ESA-listed endangered, CESA-listed endangered, FP)
- White-tailed kite (*Elanus leucurus*; FP)
- Burrowing owl (*Athene cunicularia*; CESA candidate)
- Northern harrier (*Circus hudsonius*; SSC)
- Cooper's hawk (*Accipiter cooperii*; CDFW Watch List (WL))
- Osprey (*Pandion haliaetus*; WL)
- Tricolored blackbird (*Agelaius tricolor*; CESA-listed threatened)
- Short-eared owl (*Asio flammeus*; SSC)

Though habitat within the Project areas is described as developed or highly disturbed, a literature search per the Biological Resources Assessment (BRA; ELMT Consulting, Inc. December 2025) identified 31 special-status plant species, 87 special-status wildlife species and 4 special status plant communities reported in the Seal Beach and Newport Beach quadrangles. Based on CDFW's review of the BRA and a desktop review of CNDDDB, the following species were detected or have the potential to occur in addition to the list for BCER above:

Birds:

- Least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered, CESA-listed endangered)
- Double-crested cormorant (*Phalacrocorax auritus*; WL)
- California horned lark (*Eremophila alpestris actia*; WL)
- California gull (*Larus californicus*; WL)

Plants:

- Southern tarplant (*Centromadia parryi ssp. australis*; California Native Plant Society [CNPS] Rank 1B.1)
- Salt marsh bird's beak (*Cordylanthus maritimus ssp. maritimus*); CNPS Rank 1B.1)

Project History: CDFW's regulatory staff and BCER land managers met on June 23, 2025, with the California Resources Corporation (Applicant) and the City to discuss the Project's CEQA scope and permitting needs. At that time CDFW relayed concerns regarding adjacency issues along the BCER and other sensitive habitat areas, including beach and dune habitats. During the meeting, we expressed concern about potential impacts from increased

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construction noise, artificial lighting, human disturbance (e.g., unleashed dogs and outdoor domestic cats), and the need for predator management if landscaping along the greenbelt incidentally creates perches along nesting habitats such as with tall palm trees. We are disappointed that concerns from that discussion were not included in the NOP.

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; and to ensure Project consistency with regional conservation objectives in the OCTA Measure 2 NCCP/HCP.

Specific Comments

1. Inadequate Cumulative Impact Analysis and Unsupported "Less Than Significant" Determination. The City's determination that impacts to biological resources would be "less than significant" is not supported by substantial evidence because it fails to evaluate the Project in the context of the whole of the action, including surrounding development, adjacent conserved lands, and cumulative buildout of this coastal segment.

Under CEQA Guidelines § 15064, 15130, and Appendix G (Biological Resources), significance determinations must consider not only the Project in isolation, but also its incremental contribution to cumulative impacts when combined with past, present and reasonably foreseeable future projects. The proposed Project represents one of the last remaining undeveloped segments of this coastal strip, making its contribution to cumulative habitat loss, fragmentation and disturbance particularly important.

More importantly, the NOP explicitly states that biological resources will not be analyzed in the DEIR and instead relies on the incorporation of *Standard Conditions*. This approach preemptively dismisses meaningful evaluation of whether the Project's impacts- when considered alongside development and existing pressures on adjacent habitats- may be cumulatively considerable.

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The Project site is immediately adjacent to open space lands, BCER, and HMWRP that support sensitive habitats and established mitigation sites. The site is also adjacent to known habitat for western snowy plover, California least tern, coastal California gnatcatcher, western burrowing owls, and Belding's Savannah Sparrow. Nesting areas for least tern and western snowy plover are located, at maximum, a mere 3,000 feet from the Project area (pers. Comm., Melissa Borde, BCER Land Manager).

Because the Project is in the vicinity of conserved lands that support special-status species and mitigation habitat, pursuant to CEQA Guidelines § 15064(f)(1), an EIR must evaluate these potentially significant impacts rather than defer or dismiss them through inclusion of *Standard Conditions*.

Further, without a comprehensive description of the biological baseline condition of the Project site and the surrounding landscape, the DEIR will not meaningfully assess Project-related impacts as required under CEQA Guidelines § 15125(a).

Given the Project's setting, the DEIR should evaluate;

- a) Existing habitat conditions on-site and in adjacent preserved lands;
- b) Progressive loss of coastal habitat and open space along this shoreline;
- c) The Project's role in contributing to habitat fragmentation, edge effects, and increased human pressure; and
- d) Whether these incremental effects are cumulatively considerable under CEQA Guidelines § 15130.

Absent this analysis, any conclusion of less than significant is premature, failing to account for the Projects incremental contribution to environmental change in an already constrained coastal setting, and lacks substantial evidence.

2. Inadequate Indirect Impact Analysis. The DEIR must evaluate not only direct impacts, but also indirect impacts, adjacency issues, and cumulative impacts to biological resources including the above-referenced special status species and sensitive habitats.

Pursuant to CEQA Guidelines § 15126.2(a), the DEIR must analyze both direct and reasonably foreseeable indirect impacts. The current NOP's characterization of impacts to biological resources as "less than significant" fails to consider the

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reasonably foreseeable indirect and cumulative impacts associated with increased human activity and development adjacent to sensitive and conserved lands.

Given the Project's adjacency to preserved lands and mitigation sites, the DEIR shall evaluate;

- a) Potential edge effects (lighting, noise, invasive species, domestic animals);
- b) Increased human presence and recreational pressure on conserved lands and public beaches;
- c) Hydrological or drainage changes affecting adjacent habitats;
- d) Barriers to wildlife movement;
- e) Degradation of mitigation lands established to offset impacts from other projects.

The DEIR should specifically analyze the potential for increased human access and activity to adversely affect biological resources along the approximately two-mile stretch of shoreline adjacent to the Project site. This area currently experiences relatively limited and concentrated public use, with access largely confined to designated areas such as the dog beach and with portions of the shorelines screened from view and disturbance. Any change that facilitates increased access or use of the shoreline- regardless of the species project components – has the potential to intensify disturbance within sensitive coastal habitats.

Increased access and human activity is highly likely to result in:

- a) Disturbance to beach-nesting and foraging bird species, especially California least tern and western snowy plover;
- b) Reduced nesting success;
- c) Increased trampling of sensitive beach and dune habitats;
- d) Increased predator presence associated with domestic animals or nonnative landscaping creating roosts or perches for raptors; and,
- e) Displacement of species from otherwise suitable habitats.

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These indirect effects must be analyzed in detail in the DEIR, including the extent to which increased disturbance may affect species behavior, habitat use, and reproductive success over time. Appendix G of the CEQA Guidelines specifically requires evaluation of impacts to wildlife movement corridors and nursery sites, both of which may be affected by increased human activity and habitat fragmentation.

As mentioned in comment 1 above, cumulative biological impacts must be evaluated pursuant to CEQA Guidelines §15130. The Project's incremental contribution to habitat fragmentation, disturbance, and recreational pressure must be considered in combination with past, present, and reasonably foreseeable future projects in the region. The DEIR must assess whether incremental increases in lighting, noise, access, and human activity—when combined with regional growth—would result in cumulatively considerable impacts to the unique and sensitive habitats directly adjacent to the Project site.

Absent this analysis, the DEIR would fail to meet CEQA's requirement to fully disclose and evaluate the Project's full environmental consequences.

3. Deferral and Enforceability of Mitigation Measures. The DEIR should include specific and enforceable mitigation measures which avoid, minimize, and/or mitigate impacts to biological resources. While the BRA recommends biological measures intended to reduce impacts to biological resources to “less than significant” levels, the NOP does not clearly identify the mechanism by which these measures will be enforced and instead appears to rely on *Standard Conditions* for compliance.

Under CEQA Guidelines §15126.4(a)(1), mitigation measures must be:

- a) Fully enforceable through permit conditions or binding agreements;
- b) Clearly described with specific performance standards; and
- c) Capable of successful implementation.

If the DEIR relies on recommended measures to support a “less than significant” conclusion, those measures must be incorporated into the Project description and adopted through a Mitigation Monitoring and Reporting Program pursuant to Public Resources Code §21081.6 and CEQA Guidelines §15097.

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The NOP clearly states that these conditions “shall be incorporated to ensure that the proposed project has minimal impacts related to special-status wildlife species.” However, inclusion of these conditions suggests that impacts may be more appropriately characterized as “less than significant with mitigation”, rather than inherently less than significant. Reliance on undefined *Standard Conditions* to support a less than significant determination constitutes improper deferral of mitigation.

For example:

- a) Standard Condition Bio-1 references surveys and mitigation for special status plant species, but does not specify enforcement mechanisms, responsible parties, timing, or remedies in the event of non-compliance by future applicants.
- b) Standard Condition BIO 2 and 3 incorrectly cites the federal Migratory Bird Treaty Act (MBTA), rather than the applicable California Fish and Game Code §§3503 and 3503.5, which regulates active bird nests at the state level.

Additionally, for fully protected species such as California least tern, take is prohibited under California law, and there is no permit that can be issued authorizing incidental take. Therefore, mitigation measures must emphasize avoidance and impact prevention, rather than deferred, compensatory, or performance-based mitigation approaches.

Absent clearly defined, enforceable, performance-based mitigation measure incorporated into the Project and MMRP, the DEIR would not comply with CEWQA requirements and would lack substantial evidence to support a “less than significant” impact conclusion.

4. Potential Increase in Human-Wildlife Interactions and Recreational Pressures on Adjacent Open Space and Coastal Habitats. the DEIR should evaluate the potential for increased human-wildlife interactions that may result from future development. Future development includes residential building, commercial areas, greenbelt features, and enhanced public access to coastal areas. Development of new housing, visitor serving uses, and recreational amenities adjacent to open space and conserved lands is likely to substantially increase human presence in areas that currently support sensitive habitats and wildlife. This is because the Project site is adjacent to highly sensitive coastal habitats known to support special status species. Increased residential occupancy, tourist visitation, commercial activity, and public

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access associated with the Project will increase visitation to nearby beaches trails, particularly along the two-mile stretch of shoreline parallel to the Project site.

The DEIR should also evaluate whether increased public access and human activity associated with the Project may result in increased disturbance to wildlife through activities such as:

- a) Increased pedestrian and recreational use of beaches and adjacent open space trails;
- b) Disturbance to nesting, foraging, roosting birds;
- c) Trampling of sensitive dune or beach habitat;
- d) Unauthorized trail creation or off-trail access into sensitive habitat areas;
- e) Domestic animal interaction, including dogs entering protected habitat areas;
- f) Feeding of wildlife;
- g) Vandalism or disturbance of nesting areas; and,
- h) Other forms of recreational pressure that could degrade habitat quality.

To reduce potential human-wildlife conflicts and habitat disturbance, the DEIR should identify management strategies that are necessary to protect sensitive biological resources. Such strategies may include seasonal access restrictions, fencing or barriers, signage and public education, enforcement of leash and dog-control requirements, establishment of appropriate buffers between development and habitat areas, and monitoring programs to detect and address disturbance to sensitive species.

Where appropriate, the DEIR should describe how management of adjacent open space and coastal habitats will be coordinated with BCER land managers, CDFW, and the U.S. Fish and Wildlife Service. The DEIR should also identify the entity responsible for long-term implementation of management measures and monitoring programs and describe any adaptive management framework that would address increased recreational pressures or unanticipated human-wildlife conflicts associated with Project development.

5. Impacts to Resident and Migratory Birds (Pacific Flyway). Given the Project's location on the Pacific Flyway, CDFW recommends the following design elements be

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incorporated into the DEIR as part of the Project's mitigation considerations for biological resources:

a) Bird-building Collision. The Project lies within a major migratory corridor used by shorebirds and other species traveling between coastal habitats including BCER. Taller structures and reflective glass facades may disrupt established flight paths and substantially increase bird-building collisions. The DEIR should thoroughly evaluate collision risk under multiple buildout scenarios, including maximum allowable heights under the proposed amendment. The DEIR should also analyze the proximity of proposed development to BCER and potential impacts to coastal movement patterns. Building height alternatives should be considered, including standards for prioritizing low-rise structures to minimize disruption of migratory flight paths. Cumulative impacts to the migratory flyway in combination with other coastal development should also be discussed in the DEIR.

b) Glass walls or windows. The DEIR should analyze risks associated with extensive glazing or reflective glass, specifically where development interfaces with open space and sensitive habitats along property edges. Recent studies conducted at the Golden Gate Park in San Francisco, California found that larger paned windows had almost 17 times higher strike rates per unit glass than small paned windows along the California Academy of Sciences building (Kahle et al. 2016).

Similarly, the experience at the Brightwater development in Huntington Beach is directly relevant. Following its development in 2005, significant bird strikes were documented along a glass wall facing the Bolsa Chica wetlands. The Orange County Register reported on the issue (*Glass wall killing refuge birds*) and subsequent mitigation efforts implemented to reduce bird mortality (*Builder will add decals on glass wall to help birds*). These examples demonstrate that untreated reflective glass adjacent to habitat can cause substantial mortality.

Because this Project site lies directly on the coastline within the Pacific Flyway and directly adjacent to BCER, the DEIR should provide analysis and discussion of bird strike risk associated with large reflective windows as.

The analysis should consider;

- i. Expected strike rates under different building designs;

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- ii. Alternatives that reduce glazing or limit glass curtain walls, particularly along the western edge of the site; and
- iii. Bird-safe design treatments.

The DEIR should also require pre-and post-construction monitoring and incorporate adaptive management measures and collision thresholds to trigger said measures.

- c) Noise. Noise monitoring conducted for other environmental reviews near BCER has documented average noise levels of approximately 70-75dB, with occasional peak noise levels of 90–94 dBA during vehicle acceleration or overhead jet flights (Aspen Environmental Group 2000; Environmental Science Associates 2023). These noise levels exceed commonly used thresholds for wildlife protection, which often recommend that construction noise near sensitive habitats and nesting birds not exceed approximately 65 dBA.

The DEIR should disclose this baseline condition of the ambient noise environment and compare how additional construction noise may potentially impact sensitive wetland birds and nesting species in nearby habitats.

- 6. Impacts to Sensitive Habitat from Artificial Light. The NOP states all outdoor lighting would be designed to provide adequate illumination of on-site areas without intruding upon surrounding properties or sensitive land uses in the Project site vicinity and outdoor lighting would be directed downward and would be DarkSkys approved for all nighttime hours. To reduce impacts to migratory birds on the Pacific Flyway, CDFW recommends the DEIR include a mitigation measure which requires the City to adopt an artificial light policy and/or mitigate the impacts of artificial light as part of the Final Restoration Plan. Artificial light at night (ALAN) is increasing in extent and intensity across the globe. It has been shown to interfere with animal sensory systems, orientation, and distribution, with the potential to cause significant ecological impacts (Barrientos et al. 2023). ALAN also causes changes in reproductive timing or success of birds in response to light leading to phenological mismatches and lower fitness (Barrientos et al. 2023). The impacts of light pollution also cause responses from biodiversity that include advance of spring leaf budding in deciduous trees, inhibition of mating insects under artificial light, wildlife shifts to darker/brighter areas where perceived predation risk is lower, and avoidance of lit wildlife crossings by mammals

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creating a barrier effect for linear infrastructure (Barrientos et al. 2023). The issue of light pollution and the associated impacts to wildlife should be considered when planning for construction of paved and un-paved trails and sidewalks for recreation and access within the Project site due to its inclusion and adjacency to Central/Coastal NCCP/HCP.

General Comments

1. Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects of the project which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
2. Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR.
 - a) A complete discussion of the purpose and need for, and description of the proposed Project.
 - b) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City 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 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.

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- c) Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).
 - d) Where the Project may impact aquatic 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.
3. Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
- a) Information on the regional setting 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

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[Vegetation Classification and Mapping Program - Natural Communities webpage](#)³.

- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)⁴. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.
4. 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.
- a) A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)). The DEIR should fully analyze and disclose potential effects to surrounding coastal and wetland habitats, habitat quality, and ecological function.

³ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

⁴ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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- b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
 - c) Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.
 - d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
 - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
5. Cumulative Impacts. Cumulative impacts on biological resources can result from projects which are individually insignificant but collectively significant. "The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. These include not only development projects but also upstream infrastructure improvements, channel modifications, water management activities, habitat restoration initiatives, and ministerial or maintenance projects that may incrementally alter habitat conditions over time.

Accordingly, CDFW recommends the DEIR thoroughly evaluate the Project's potential contribution to cumulative impacts on biological resources in the context of prior and proposed development and infrastructure improvements, as well as other transportation, utility, or drainage projects. Even where such projects are intended to improve hydraulic performance, public safety, or habitat conditions, their combined effects—together with the Project—may influence hydrology, sediment transport, habitat connectivity, species movement corridors, and the viability of sensitive biological communities.

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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. The DEIR should assess whether incremental or temporary habitat loss, fragmentation, hydrologic changes, or construction disturbance, when combined with other projects, could cumulatively diminish habitat function or wildlife movement. The City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions (CEQA Guidelines section § 15130(a)(2)).

6. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 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.
7. 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

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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 communities within or adjacent to the Project site. In addition, CDFW supports planting native species of trees, such as oaks (*Quercus* genus), when appropriate, 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 CNDDDB. The [CNDDDB website](#)⁶ provides directions regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁷.

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

⁵ <https://www.cal-ipc.org/plants/inventory/>

⁶ <https://wildlife.ca.gov/Data/CNDDDB>

⁷ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Filing Fees


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Conclusion

CDFW appreciates the opportunity to comment on the NOP to assist the City of Huntington Beach in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Paola Perez, Environmental Scientist, at (858) 354- 2413 or Paola.Perez@wildlife.ca.gov.

Sincerely,

Signed by:

AD7D070BCB66466...

Glen M. Lubcke
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South Coast Region

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