



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Central Region
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GAVIN NEWSOM, Governor
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March 9, 2026

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 San Luis Obispo County
 Department of Planning and Building
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Subject: **Santa Margarita Ranch LLC VTT Map 3237 N-SUB2024-00085 (Project)
 Initial Study/Mitigated Negative Declaration (MND)
 SCH: 2026020247**

Dear Jeremy Freund:

The California Department of Fish and Wildlife (CDFW) received an MND from the San Luis Obispo County for the Project pursuant 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, we appreciate 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. (*Id.*, § 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 is also submitting comments 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 law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

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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Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

PROJECT DESCRIPTION SUMMARY

Proponent: Santa Margarita Ranch LLC

Objective: The Project proposes to subdivide an existing 8.01-acre parcel into six parcels ranging from approximately 1.01 to 1.65 acres, for the purpose of sale and/or development. Project activities would require off-site road improvements, demolition of an existing driveway and agricultural structures, and would result in approximately 1.16 acres of ground disturbance. The Project would also establish a private access easement as well as a waiver of curb, gutter, and sidewalk requirements.

Location: The Project site is located at 22937 I Street, in the unincorporated area of Santa Margarita, within San Luis Obispo County. The Project is located within Assessor's Parcel Number (APN) 069-091-014.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Luis Obispo County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

The MND acknowledges that the Project site is within the geographic range of several special-status animal and plant species and proposes mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including, but not limited to, the State fully protected golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*), Crotch's bumble bee (*Bombus crotchii*), and western bumble bee (*Bombus occidentalis*); the State species of special concern pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis*), western red bat (*Lasiurus frantzii*); the State species of special concern and federally threatened California red-legged frog (*Rana draytonii*); and the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*).

Golden Eagle

The Project site is within the range of golden eagle (GOEA) and has suitable foraging and nesting habitat. Additionally, there have been multiple recent and historic occurrences of GOEA within the Project vicinity (CDFW 2026). As GOEA have the potential to occur within the Project footprint, it does not appear that focused surveys were conducted for the species, and no mitigation measures are proposed, CDFW recommends the following to be incorporated in the MND:

Recommended Mitigation Measure 1: GOEA Surveys

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CDFW recommends that a qualified biologist conduct focused GOEA surveys utilizing the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines (Pagel et al. 2010) methodology the breeding season immediately prior to the initiation of Project activities.

Recommended Mitigation Measure 2: GOEA Avoidance Buffer

If a GOEA nest is found prior to, or during construction, CDFW recommends implementing a minimum ½-mile no-disturbance buffer around the nest. CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon parental care for survival. CDFW advises not to allow reductions in no-disturbance buffer size for GOEA or any fully protected bird species absent a compelling biological or ecological reason to do so. In the event that or GOEA nest is detected during surveys, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

White-Tailed Kite

The Project site is within the range of white-tailed kite (WTKI) and has suitable foraging and nesting habitat. Additionally, there have been historic occurrences of WTKI within the Project vicinity (CDFW 2026). As WTKI have the potential to occur within the Project footprint, it does not appear that focused surveys were conducted for the species, and no mitigation measures are proposed, CDFW recommends the following to be incorporated in the MND:

Recommended Mitigation Measure 3: WTKI Surveys

If Project activities are anticipated to occur during the nesting season (February 1 – September 15), CDFW recommends a qualified biologist conduct surveys for nesting white-tailed kites prior to beginning Project-related activities.

Recommended Mitigation Measure 4: WTKI Avoidance Buffer

CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of WTKI until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. CDFW advises not to allow reductions in no-disturbance buffer size for WTKI or any fully protected bird species absent a compelling biological or ecological reason to do so. In the event that or WTKI nest is detected during surveys, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

Western Burrowing Owl

The California Fish and Game Commission (FGC) approved western burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The MND states that there is a low potential for BUOW to be found at the Project site and no mitigation measures are proposed to mitigate for potential significant impacts to the species. As the Project is within the range of BUOW, the species migration and wintering habits are not well known, and suitable habitat appears to be present within the Project site and immediate vicinity, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 5: BUOW Pre-construction Surveys

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CDFW recommends that a focused preconstruction survey be conducted, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), immediately prior to construction.

Recommended Mitigation Measure 6: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 7: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Crotch's Bumble Bee and Western Bumble Bee

The Project site is located within the known range of Crotch's bumble bee (CBB) and western bumble bee (WBB). These species utilize grasslands, scrub communities, and ruderal areas that provide suitable nesting habitat, including small mammal burrows and bunch or thatched grasses. Such habitat features may be present within the Project site, and it does not appear that focused surveys were conducted for the species, and no mitigation measures were proposed in the MND. Therefore, CDFW recommends that potential impacts to CBB and WBB be carefully considered and that the following measures be incorporated within the MND:

Recommended Mitigation Measure 8: CBB and WBB Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB and WBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

Recommended Mitigation Measure 9: CBB and WBB Surveys

If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB and WBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

Recommended Mitigation Measure 10: CBB and WBB Avoidance

If CBB or WBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any

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detection of CBB or WBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 11: CBB and WBB Take Authorization

If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Special-Status Bats

The Project site is within range including pallid bat (PB), western mastiff bat (WMB), and the western red bat (WRB). Project activities, such as tree removal, have the potential to affect individuals and their roosting habitat. Additionally, it does not appear that focused surveys were conducted for the species, and no mitigation measures were proposed to mitigate for potential Project-related impacts. As such, CDFW recommends that potential impacts to PB, WMB, and WRB be carefully considered and that the following measures be incorporated within the MND:

Recommended Mitigation Measure 12: Special-Status Bat Surveys

CDFW recommends the Project proponent conduct focused surveys to establish species usage and seasonal usage. Focused survey methodology is advised to include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano), and use of ultrasonic detectors (Anabat, Sonobat, etc.) during all dusk emergence and pre-dawn re-entry. To maximize detectability, each survey needs to be conducted within one 24-hour period.

Recommended Mitigation Measure 13: Bat Roost Disturbance Avoidance and Minimization

If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and installing new roost sites to be in place prior to the initiation of Project related activities to allow enough time for bats to relocate. If a bat roost is identified and work is planned to occur during the breeding season, CDFW recommends that no disturbance to maternity roosts occur and that CDFW be consulted to determine measures to prevent breeding disruption or failure.

California Red-Legged Frog

The Project site lies within the geographic range of the California red-legged frog (CRLF), and the species was detected within Yerba Buena creek, which is located approximately 0.3 miles from the Project site. While the Project site may not have suitable breeding habitat, CRLF have been known to be capable of dispersing up to approximately 1.4-kilometers to suitable upland habitat (Fellers and Kleeman 2007). As the Project site may have suitable dispersal and upland habitat and no mitigate measures were provided in the MND to mitigate for potential significant impacts to the species. CDFW recommends the MND include the following:

Recommended Mitigation Measure 14: CRLF Surveys

CDFW recommends that a qualified biologist conduct focused preconstruction surveys for CRLF within areas of suitable upland or breeding habitat adjacent to or within the Project site 48-hours prior to initiating Project construction (two night surveys immediately prior to construction or as otherwise required by USFWS in accordance with the "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF are within or adjacent to the Project site.

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Recommended Mitigation Measure 15: CRLF Avoidance

If any CRLF are found during preconstruction surveys or at any time during construction, CDFW recommends avoidance whenever possible via delineation and observance of a 50-foot no-disturbance buffer around CRLF and their burrows. If CRLF are observed on the Project site, CDFW also recommends that Project activities in the immediate vicinity cease, allowing individuals to leave the Project site on their own accord. Finally, CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activity daily for CRLF.

Western Spadefoot

Mitigation Measure BIO-2 is provided to mitigate for potential significant impacts to western spadefoot (WESP). Mitigation Measure BIO-2 states that "A preconstruction survey shall be conducted within 48 hours of beginning Project activities to identify if Northern California legless lizard, California glossy snake, or western spadefoot are present". CDFW concurs with Mitigation Measure BIO-2 and recommends that the following measure be added to the MND:

Recommended Mitigation Measure 16: WESP Minimization

If WESP individuals or burrows, cracks, loose soil areas or other refugia that could be occupied by WESP are found during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include agricultural sumps and irrigation ditches in addition to any areas that pool water for only a few weeks. Avoidance of potential breeding habitat should occur even when dry, since post-metamorphic WESP juveniles have a unique adaptation to the drying of their temporary breeding pools; they utilize the dried pond bottom as a refuge, burying themselves in the desiccation cracks and damp soil beneath the surface crust (Baumberger et al., 2020). If any lifestage of WESP are observed on the Project site, Project activities in their immediate vicinity should cease, allowing individuals to leave the Project site on their own accord.

On September 24, 2025, the California Fish and Game Commission (Commission) received a petition to list the northern population of WESP as threatened species and the southern population of WESP as an endangered species under CESA. If the Commission takes action and WESP becomes listed as a Candidate for listing pursuant to CESA (possible in 2026), or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA if full avoidance of WESP could not be achieved. Please note that implementation of the above recommended measures would help minimize impacts to WESP as required by CEQA, but would not fully avoid impacts and thus take; additional measures would need to be implemented to avoid take of WESP. In the event that WESP becomes protected under CESA, CDFW recommends early consultation to help identify if avoidance is feasible or if not, to initiate discussions regarding the need for ITP acquisition.

Nesting birds

BIO-1 of the MND states that, "If nesting birds are located, no Project activities shall occur within 100 feet of nests until chicks are fledged". CDFW concurs that there should be buffers around nesting birds, however CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified

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biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

EDITORIAL NOTES AND SUGGESTIONS

CNDDDB Positive Submission of Data

Please note that the California Natural Diversity Database (CNDDDB) is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the Project area.

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, section 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

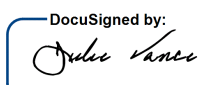
FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist San Luis Obispo County Department in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, environmental scientist, at (805) 503-5738 or evelyn.barajasperez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

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Attachment 1- MMRP

cc: State Clearinghouse
Land use and Climate Innovation
State.Clearinghouse@lci.ca.gov

REFERENCES

- Baumberger, K., A. Backlin, E. Gallegos, C. Hitchcock, and R. Fisher. Mitigation ponds offer drought resiliency for western spadefoot (*Spea hammondi*) populations. Southern California Academy of Sciences, 119(1), pp. 6-17.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act (CESA) candidate bumble bee species. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Referenced February 20, 2026.
- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.
- Fellers, G., P. Kleeman. 2007. California red-legged frog (*Rana draytonii*) movement and habitat use: Implications for conservation. Journal of Herpetology, Vol. 41 No.2, pp. 276-286.
- Pagel, J., D. Whittington, G. Allen. 2010. Interim golden eagle inventory and monitoring protocols; and other recommendations, U.S. Fish and Wildlife Service, Sacramento, California, USA.
- U.S. Fish and Wildlife Services. 2005. Revised guidance on site assessment and field surveys for the California red-legged frog. Sacramento, California, USA.

Attachment 1

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

PROJECT: Santa Margarita Ranch LLC VTT Map 3237 N-SUB2024-00085 Initial Study/Mitigated Negative Declaration (MND) (Project)

SCH No.: 2026020247

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Golden Eagle (GOEA)	
Recommended Mitigation Measure 1: GOEA Surveys`	
White-Tailed Kite (WTKI)	
Recommended Mitigation Measure 3: WTKI Surveys	
Recommended Mitigation Measure 4: WTKI Avoidance Buffer	
Western Burrowing Owl (BUOW)	

Recommended Mitigation Measure 5: BUOW Pre-construction Surveys	
Recommended Mitigation Measure 7: BUOW Take Authorization	
Crotch's Bumble Bee (CBB) and Western Bumble Bee (WBB)	
Recommended Mitigation Measure 8: CBB and WBB Habitat Assessment	
Recommended Mitigation Measure 9: CBB and WBB Surveys	
Recommended Mitigation Measure 11: CBB and WBB Take Authorization	
Special-Status Bats	
Recommended Mitigation Measure 12: Special-Status Bat Surveys	
California Red-Legged Frog (CRLF)	
Recommended Mitigation Measure 14: CRLF Surveys	
During Construction	
Golden Eagle (GOEA)	
Recommended Mitigation Measure 2: GOEA Avoidance Buffer	
White-Tailed Kite (WTKI)	
Recommended Mitigation Measure 4: WTKI Avoidance Buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 6: BUOW Avoidance Buffer	
Crotch's Bumble Bee (CBB) and Western Bumble Bee (WBB)	
Recommended Mitigation Measure 10: CBB and WBB Avoidance	
Special-Status Bats	
Recommended Mitigation Measure 13: Bat Roost Disturbance Avoidance and Minimization	

California Red-Legged Frog (CRLF)	
Recommended Mitigation Measure 15: CRLF Avoidance	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 16: WESP Minimization	