



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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April 1, 2026

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**Subject: Northern California Congregational Retirement Homes Inc (Carmel Valley Manor) (169-061-012) (Project)  
Initial Study and Draft Mitigated Negative Declaration (MND)  
SCH No.: 2026030053**

Dear Steve Mason:

The California Department of Fish and Wildlife (CDFW) received an MND from Monterey County for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 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

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<sup>1</sup> 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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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.), related authorization as provided by the Fish and Game Code will be required.

**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).

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

**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:** Northern Calif Congregational Retirement Homes Inc

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**Objective:** The Project proposes to demolish three existing residential units, seven guest units, a wood shop, and three carport structures, and construct 19 new residential units, eight guest units, and a 12-bed memory care facility. The Project also includes additions to the existing fitness center and meeting house, associated site improvements, and approximately 7,100 cubic yards of cut and fill.

The Project also includes development on slopes exceeding 25 percent and the removal of approximately 61 oak trees (*Quercus* sp.).

**Location:** The proposed Project would be located at 8545 Carmel Valley Road, Carmel, within Accessor's Parcel Number (APN) 169-061-012-000 (Primary) and 169-061-017-000.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Monterey 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.

Currently, the MND acknowledges that the Project site is within the geographic range of several special status animal species and provides specific recommendations and measures. CDFW has concerns about the ability of some the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take of several special-status species, including the State fully protected golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*); and the State species of special concern coast horned lizard (*Phrynosoma blainvillii*) and northern California legless lizard (*Anniella pulchra*).

### Golden Eagle and White-tailed Kite

The Project site is within range of white-tailed kite (WTKI) and golden eagle (GOEA); however, the species was not specifically mentioned within the MND and species-specific mitigation measures were not provided. Suitable foraging and nesting habitats, including oak woodland and grassland habitats, were identified within the vicinity of the Project site. As the Project is within the range of GOEA and WTKI, suitable habitat appears to be present within the Project vicinity, and no mitigation measures were incorporated within the MND, CDFW recommends that the following measures be incorporated:

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### **Recommended Mitigation Measure 1: WTKI and GOEA Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for nesting GOEA and WTKI prior to beginning Project-related activities within the Project site. GOEA evaluations should follow the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines (Pagel et al. 2010).

### **Recommended Mitigation Measure 2: WTKI and GOEA Avoidance Buffer**

CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of GOEA and 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 Project proponents not to allow reductions in no-disturbance buffer size for GOEA and WTKI or any fully protected bird species absent a compelling biological or ecological reason to do so. Further consultation with CDFW is warranted to discuss Project implementation and take avoidance.

### **Coast Horned Lizard and Northern California Legless Lizard**

The Project is within the range of coast horned lizard (CHL) and northern California legless lizard (NCLL) and there are recent and historical occurrences within the Project vicinity for both of these species. While the Project would be located within an existing urban development, the MND also notes that 61 oak trees would be removed as part of the Project and suitable habitat may be present within and around these oak trees. As it does not appear that these species were evaluated within the MND and species-specific mitigation measures were not provided, CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project site or vicinity contain suitable habitat for CHL or NCLL. If suitable habitat is determined to be present, CDFW recommends that a qualified biologist conduct focused surveys for these prior to the initiation of Project activities within suitable habitat. If CHL or NCLL are identified during survey or Project construction, avoidance whenever possible is encouraged via delineation and a 50-foot no disturbance buffer around burrows. CDFW also advises that any individuals observed be allowed to leave the Project site of their own volition.

### **EDITORIAL NOTES AND SUGGESTIONS**

**Nesting birds:** CDFW encourages that ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

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CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground- or vegetation-disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project-specific activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the activities. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, 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 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 Project activities would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**California Natural Diversity Database Positive Occurrence:** Please note that the California Natural Diversity Database (CNDDDB) is populated by 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, or lack of recent occurrence records, in the CNDDDB does not mean that a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist 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.

## **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 (CNDDDB). The CNDDDB field survey form can be found at the following link:

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<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). 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

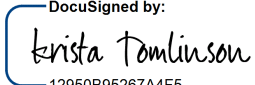
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 MND to assist Monterey County in identifying and mitigating this Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed, Attachment 1, Mitigation Monitoring and Reporting Program (MMRP) table, which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or [evelyn.barajas-perez@wildlife.ca.gov](mailto:evelyn.barajas-perez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
12950B95267A4F5...  
For Julie A. Vance  
Regional Manager

Attachment 1-MMRP

ec: State Clearinghouse  
Governor's Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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## **REFERENCES**

Pagel, J., D. Whittington, and G. Allen. 2010. Interim golden eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington, Virginia, USA.

**Attachment 1**

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

**PROJECT: Northern Calif Congregational Retirement Homes Inc  
(Carmel Valley Manor) (169-061-012) (Project)**

**SCH No.: 2026030053**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
<b>Golden Eagle (GOEA) and White-tailed Kite (WTKI)</b>	
Recommended Mitigation Measure 1: WTKI and GOEA Surveys	
<i>During Construction</i>	
<b>Golden Eagle (GOEA) and White-tailed Kite (WTKI)</b>	
Recommended Mitigation Measure 2: WTKI and GOEA Avoidance Buffer	