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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
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June 12, 2026

Andy Stenson, Planner
Lucia Mar Unified School District
602 Orchard Street
Arroyo Grande, California 93420
(805) 431-2304

Subject: Nipomo High School Agriculture Buffer Reevaluation Project (Project)
Notice of Preparation (NOP)
SCH: 2026050468

Dear Andy Stenson:

The California Department of Fish and Wildlife (CDFW) received a NOP from the Lucia Mar Unified School District (LMUSD) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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 statue for all the people of the State (Fish and Game 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).

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, activities evaluated in the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish and Game 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

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Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Lucia Mar Unified School District

Objective: The Project proposes to modify the required agricultural buffer on the Nipomo High School campus. The modification would reduce the agricultural buffer to 50 feet along the north, south, and west boundaries of the campus to allow greater flexibility for the siting of future educational facilities and associated infrastructure. No new development would occur within the reduced buffer area as part of this Project, and activities would be limited to maintenance of existing solar facilities. The Project could facilitate potential future development in areas currently restricted by the existing buffer. While the Project does not include specific development plans, the Project's Supplemental Environmental Impact Report (SEIR) would determine whether allowing future development in these areas may result in impacts beyond those identified in the 1998 Nipomo High School Environmental Impact Report (Project EIR).

Location: The Project site is located at 525 North Thompson Ave, in the City of Nipomo. The Project is located within Assessor's Parcel Number (APN) 090-151-017.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist LMUSD 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 SEIR for the Project.

The NOP states that the proposed Project would not result in any new or more severe impacts to special-status species or their habitats (i.e., biological resources) compared to the approved project, and that impacts would remain less than significant with mitigation identified in the Project EIR such that no further analysis is required in the SEIR. However, there have been updated species-specific information within the Project vicinity and multiple changes to species listing designations since preparation of the Project DEIR in 1998. Additionally, the proposed Project would reduce the existing buffer in proximity to Nipomo Creek and Deleissigues Creek and increase the likelihood of potential special-status species impacts from future development. As such, CDFW recommends the SEIR include an updated evaluation of potential biological resource impacts and specifically includes an updated discussion for the State candidate Crotch's bumble bee (*Bombus crotchii*); the State species of special concern and federally threatened California red-legged frog (*Rana draytonii*); and the State species of special concern and federal-proposed threatened western spadefoot (*Spea hammondii*).

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Crotch's Bumble Bee

The Project site is within the known geographic range of the State candidate Crotch's bumble bee (CBB). CBB inhabits a variety of habitats, including grasslands, scrublands, openings in woodlands, and areas with bare ground such as vacant lots, dirt roads, and levees (Xerces Society et al. 2018). CBB uses requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, which may be present in or near the Project site. As the Project is within the range of CBB and suitable habitat may be present within the Project site, CDFW recommends that the SEIR include a discussion on CBB and whether future development within the reduced buffer area would have the potential to impact the species. CDFW also recommends the SEIR include the following measures:

Recommended Mitigation Measure 1: CBB Pre-construction Surveys
CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features within and adjacent to the Project site following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023), during the blooming period immediately prior to the initiation of ground disturbing activities associated with new development or infrastructure.

Recommended Mitigation Measure 2: CBB Avoidance Buffer
If CBB is detected, 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 CBB are detected during surveys and ground-disturbing activities will occur during the overwintering to nesting period (year-round, except possibly September), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 3: CBB 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.

California Red-Legged Frog

The NOP notes that the Project EIR identified Mitigation Measure J1 to address potential impacts to resources associated with Nipomo Creek, such as California red-legged frog (CRLF), including installation of fencing, restricted access during school operations, and maintenance of a minimum 100-foot buffer from riparian vegetation.

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CDFW concurs with these measures; however, as there has been updated CRLF survey and avoidance guidance since preparation of the Project EIR in 1998, CDFW recommends that the SEIR incorporate the following updated measures:

> **Recommended Mitigation Measure 4: CRLF Surveys**
> CDFW recommends that a qualified biologist conduct focused surveys for CRLF within areas of suitable habitat adjacent to or within the Project site 48-hours prior to prior to the initiation of ground disturbing activities associated with new development or infrastructure following 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.
>
> **Recommended Mitigation Measure 5: CRLF Avoidance**
> If any CRLF are found during preconstruction surveys or at any time during development or construction activities, 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

The Project site is within the known geographic range of western spadefoot (WESP). WESP occurs primarily in grasslands, seasonal wetlands, vernal features (e.g., alkali playas), agricultural sumps, and seasonally flooded areas with appropriate upland habitat. Nipomo Creek borders the western boundary of the Project site and Deleissigues Creek lies along the eastern edge. Additionally, suitable grassland and ephemeral habitats are located within the Project vicinity. As such, CDFW recommends that the SEIR include a discussion on WESP and whether future development within the reduced buffer area would have the potential to impact the species. CDFW also recommends the SEIR include the following measures:

> **Recommended Mitigation Measure 6: Preconstruction Survey for WESP**
> Prior to the start of work, CDFW recommends that a qualified biologist conduct focused surveys for WESP, using appropriate survey methodologies, during the survey season immediately prior to the initiation of ground disturbing activities associated with new development or infrastructure .

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Recommended Mitigation Measure 7: WESP Avoidance Buffer
If burrows, cracks, loose soil, soft soil areas immediately adjacent to water features, or other refugia are found to be used by WESP during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around the outermost edge of these habitats. If the species is observed on the Project site, Project activities in the 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 (FGC) received a petition to list the northern population of WESP as a threatened species and the southern population of WESP as an endangered species under CESA. At the FGC meeting on April 16, 2026, CDFW presented its determination that the petition provided sufficient scientific information that the petitioned action to list WESP under CESA may be warranted; however, the FGC deferred its decision on WESP candidacy until the next meeting in June 2026. If WESP becomes a candidate for listing or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, subdivision (b), will be necessary to comply with CESA if full avoidance of WESP cannot be achieved. Please note that implementation of the recommended measures above would help minimize impacts to WESP as required by CEQA but may not fully avoid impacts and thus take. Additional measures may 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.

EDITORIAL NOTES AND SUGGESTIONS

Lake and Streambed Alteration: Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project

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does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Nesting birds

CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), 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 Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys 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 sites to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. 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 wildlife 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 that 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 compelling biological or ecological reason to do so, such as when the construction areas 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.

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Artificial Lighting

Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

Given that the SEIR is intended to assess the environmental effects associated with allowing future development within areas opened by the proposed buffer reduction, CDFW recommends that the SEIR include a detailed evaluation of potential impacts from artificial lighting on biological resources. The SEIR should also incorporate enforceable mitigation measures to minimize adverse effects of outdoor lighting on sensitive wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting not be installed in ecologically sensitive areas (e.g., streams, wetlands, and habitat used by special-status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

CNDDB

Please note that the California Natural Diversity Database (CNDDB) is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB 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 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 site.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the LMUSD in identifying and mitigating this Project's impact 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

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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.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1 - MMRP

EC:

State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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Attachment 1

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Attachment 1

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

PROJECT: Nipomo High School Agriculture Buffer Reevaluation Project

SCH No.: 2026050468

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 1: CBB Pre-construction Surveys	
Recommended Mitigation Measure 3: CBB Take Authorization	
California Red-Legged Frog	
Recommended Mitigation Measure 4: CRLF Surveys	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 6: Preconstruction Survey for WESP	
During Construction	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 2: CBB Avoidance Buffer	
California Red-Legged Frog (CRLF)	
Recommended Mitigation Measure 5: CRLF Avoidance	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 7: WESP Avoidance Buffer	