



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 8, 2025

Sandi Sawa
Director of Planning & Building
City of Santee
10601 Magnolia Avenue
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ssawa@cityofsanteeca.gov

SUBJECT: SECOND RECIRCULATED SECTIONS OF THE FINAL REVISED ENVIRONMENTAL IMPACT REPORT FOR THE FANITA RANCH PROJECT, SCH NO. 2005061118

Dear Sandi Sawa:

The California Department of Fish and Wildlife (CDFW) has reviewed the Second Recirculated Sections of the Final Revised Environmental Impact Report (2025 REIR) from the City of Santee (City) for the Fanita Ranch Project (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.

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). CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish and Game Code 2800 et seq.). The City, in coordination with CDFW and the United States Fish and Wildlife Service (collectively, the Wildlife Agencies), has worked for several years toward

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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developing an NCCP/Habitat Conservation Plan (HCP) Subarea Plan under the Subregional Multiple Species Conservation Program; however, a Subarea Plan has not yet been adopted by the City or permitted by the Wildlife Agencies. CDFW anticipates that the Draft Subarea Plan and associated Draft EIR will be brought forward for public review in the near future.

PROJECT DESCRIPTION SUMMARY

The Project proposes a planned community located within the northwest portion of the City that includes up to 3,008 housing units, commercial uses, parks, agricultural areas and open space. Approximately 1,650 acres would be designated as a habitat preserve (Preserve). The 2025 REIR was prepared in response to an August 2024 order of the San Diego County Superior Court that identified deficiencies in the 2022 Recirculated Revised Final EIR (2022 REIR) related to the General Plan consistency analysis. The 2025 REIR recirculated sections include revisions to the Preface and Land Use and Planning Section (Section 4.10); addition of Appendix S. *Preserve Wild Santee v. City of Santee* County of San Diego Superior Court's Ruling, Judgement, and Writ; and a memorandum providing additional legal support and analysis for the revisions to Section 4.10 (Memorandum). Per the 2025 REIR, the description of the Fanita Ranch Project has not changed from the 2022 REIR.

COMMENTS AND RECOMMENDATIONS

In August 2021, the City adopted an Essential Housing Program (Ordinance 592) that was subsequently amended in February 2025. A project can qualify as an Essential Housing Project (EHP) under Ordinance 592 through a ministerial decision made by the Director of Development Services based on objective criteria set forth in a Checklist (<https://www.cityofsanteeca.gov/essential-housing>). The Fanita Ranch Project has been certified as an EHP by the City. Per the Memorandum, certification of a project as an EHP essentially waives any conflicting land use regulations or ordinances, including the General Plan, that the project may be in violation of. According to the 2025 REIR, the EHP "controls over any other City plan or ordinance in the event of a conflict, with its interpretation being afforded the fullest possible weight to the interest, approval, and provision of housing" (2025 REIR, pg. 4.10-29).

The Wildlife Agencies comment letter on the 2022 REIR dated July 25, 2022, outlines the important role of the General Plan (and associated future Habitat Loss Incidental Take Ordinance; HLIT) in implementing the forthcoming Subarea Plan. The General Plan and HLIT will ensure compliance with the terms of an adopted and permitted NCCP/HCP. The letter requested clarification on how Ordinance 592's associated waivers of General Plan requirements may impact implementation of a future Subarea Plan if applied to forthcoming projects anticipated to be covered activities. The City responded to our request stating that this issue is not germane to the Fanita Ranch

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Project; however, CDFW contends that the language set forth in the 2022 and 2025 REIRs may be precedent-setting as it memorializes unclear project approval procedures. It remains unclear from the language in the 2025 REIR whether this waiver would potentially extend to a future HLIT.

While we are not contesting the eligibility of the Fanita Ranch Project under the EHP in this letter, CDFW requests that the City revise the 2025 REIR to clarify that certification of a project under Ordinance 592 would not waive consistency with the provisions of a future HLIT. CDFW is concerned that the language cited above in the 2025 REIR could undermine the implementation of a future Subarea Plan if not clarified. We offer the following recommended revisions to the statement on pg. 4.10-29 of the 2025 REIR (edits in italics):

“Urgency Ordinance No. 592 controls over any other City plan or ordinance in the event of a conflict, with its interpretation being afforded the fullest possible weight to the interest, approval, and provision of housing *except where City plans or ordinances relate to the implementation of state or federal regulations and/or permits.*”

CONCLUSION

CDFW appreciates the opportunity to comment on the 2025 REIR. Questions or comments regarding this letter should be directed to Heather Schmalbach, Senior Environmental Scientist (Specialist), at Heather.Schmalbach@wildlife.ca.gov.

Sincerely,

Signed by:

AD7D070BCB66466...

Glen M. Lubcke

Environmental Program Manager South Coast Region

cc: Office of Planning and Research, State.Clearinghouse@opr.ca.gov

California Department of Fish and Wildlife

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U.S. Fish and Wildlife Service

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