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March 26, 2020

Governor’s Office of Planning & Research

Mr. Verna Carvajal  
 City of Santa Ana  
 PO Box 1988 (M-20)  
 Santa Ana, CA 92702

**MAR 27 2020**

**STATE CLEARINGHOUSE**

Dear Mr. Carvajal:

**Subject: Santa Ana General Plan Program Environmental Impact Report (PROJECT) NOTICE OF PREPARATION (NOP) OF A PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) SCH# 2020029087**

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) from the City of Santa Ana (City) for the Project pursuant 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, 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.

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** City of Santa Ana (City)

**Objective:** The objective of the Project is to update the City’s existing General Plan to guide development and conservation for the next 25 years through 2045. Five regions are identified as focus areas to be enhanced through development.

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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.

**Location:** The City of Santa Ana encompasses roughly 27 square miles of land in central Orange County. The City is bordered to the north by Orange, to the south by Costa Mesa, to the west by Garden Grove, Westminster, and Fountain Valley, and to the east by Tustin and Irvine. The Santa Ana River traverses through the northwestern quadrant of the City. Special status species with the potential to occur in the region include: Steelhead - southern California Distinct Population Segment (DPS) (*Oncorhynchus mykiss irideus*; Endangered Species Act (ESA) listed endangered), coast horned lizard (*Phrynosoma blainvillii*; California Species of Special Concern (SSC)), Crotch bumble bee (*Bombus crotchii*; Candidate for CESA-listed endangered), Mexican long-tongued bat (*Choeronycteris mexicana*; SSC), and American peregrine falcon (*Falco peregrinus anatum*; FPS).

**Timeframe:** The comprehensive update to the existing General Plan is anticipated to be completed in 2020 and will guide development and conservation through 2045.

## 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. Based on the potential for the Project to have a significant impact on biological resources, CDFW agrees that a Program Environmental Impact Report is appropriate for the Project.

### I. Potential Impacts to Santa Ana River

**Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?**

#### COMMENT #1:

**Issue:** The Proposed General Plan focus area along West Santa Ana Boulevard intersects the Santa Ana River corridor as well as adjacent open space areas. Development within that focus area may potentially affect biological resources associated with riparian habitat or neighboring open space.

#### CDFW Recommendations To Minimize Significant Impacts:

1. The Proposed General Plan focus area along West Santa Ana Boulevard intersects the Santa Ana River corridor. Historically, the Santa Ana River and tributaries supported federally endangered southern California steelhead (<https://wildlife.ca.gov/Conservation/Fishes/Coastal-Rainbow-Trout-Steelhead>). California Fish and Game Code § 5901 states that it is unlawful to construct or maintain any device or contrivance that prevents, impedes, or tends to prevent or impede the passing of fish up and down stream.

In accordance with California Fish and Game Code, we recommend that the PEIR include an analysis of any proposed major stream crossings in the context of fish passage. The analysis should include, but not be limited to, steelhead presence or historic presence, existing conditions including habitat and barrier assessments, any known projects to remove barriers or

restore habitat that would affect or be affected by this project, and cumulative impacts to steelhead populations and/or habitat resulting from this project.

2. CDFW has responsibility for wetland and riparian habitats. It is the policy of CDFW to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the PEIR and must compensate for the loss of function and value of a wildlife corridor.

3. CDFW considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085). Consequently, if any associated Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and G. Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

#### Mitigation for the Project-related Biological Impacts

4. The PEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance.

5. For proposed preservation and/or restoration, the PEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). 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: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## 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 of a PEIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jessie Lane, environmental scientist at (858) 636-3159 or [Jessie.Lane@wildlife.ca.gov](mailto:Jessie.Lane@wildlife.ca.gov).

Sincerely,



David A. Mayer  
Acting Environmental Program Manager  
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

## REFERENCES

Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.