



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

July 21, 2022

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STATE CLEARINGHOUSE

Joe Sidor, Contract Senior Planner
City of Pacific Grove Community Development Department Planning Division
300 Forest Avenue, 2nd Floor
Pacific Grove, California 93950
jsidor@cityofpacificgrove.org

Subject: 1661 Sunset Drive Residential Project (Project)
Notice of Preparation (NOP)
SCH No.: 2022060444

Dear Mr. Sidor:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Pacific Grove Community Development Department Planning Division for the above-referenced Project pursuant to 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, 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

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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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.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Eric Miller Architects

Objective: The proposed Project consists of the following aspects: 1) merger of APNs 007-041-033 and -034 to create one approximately 2.13 acre parcel to be developed with a split-level, single-family residence and attached garage; and 2) retention of the existing residence on APN 007-041-035 and transfer of the existing water meter to a proposed new residence.

Location: The 3.45-acre Project site is located at 1661 Sunset Drive in the City of Pacific Grove within Monterey County.

Timeframe: n/a.

COMMENTS AND RECOMMENDATIONS

Listed Species: Several special-status species have been documented in the Project area vicinity. Records from the California Natural Diversity Database (CNDDDB) demonstrate that special-status species may include, but not limited to, the State threatened and federally endangered Monterey gilia (*Gilia tenuiflora*), the State and federally endangered Tidestrom's lupine (*Lupinus tidestromii*), the State threatened California black rail (*Laterallus jamaicensis coturniculus*), the State and federally endangered Menzies' wallflower (*Erysimum menziesii*), and the State endangered and federally threatened beach layia (*Layia carnosa*). CDFW advises that protocol-level surveys, the parameters of which were designed to optimize detectability, be conducted as part of the biological studies for the DEIR to reasonably determine if Project activities will impact State-listed species. Surveys should be floristic and utilize a reference site to maximize detection potential and should be conducted over multiple seasons to

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increase the reliability of the results. In the absence of surveys, the applicant may assume presence within the Project site and immediately focus on the acquisition of an Incidental Take Permit (ITP) issued by CDFW, pursuant to Fish and Game Code section 2081 subdivision (b). Absent obtaining a 2081 ITP, full avoidance measures are necessary to avoid all take as a result of Project ground-disturbing activities. CDFW recommends that the Lead Agency encourage the Project proponent to contact us as soon as possible for early consultation relative to acquisition of an ITP to help streamline the permit application and acquisition process.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

CDFW is available to meet with you ahead of draft EIR preparation to discuss potential impacts and possible mitigation measures for some or all of the resources that may be analyzed in the final EIR. If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Bob Stafford

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Bob Stafford for Julie Vance
Regional Manager

ec: Patricia Cole; patricia_cole@fws.gov
U.S. Fish and Wildlife Service

Jeff Cann; Jeff.Cann@wildlife.ca.gov
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LITERATURE CITED

CDFW. 2022. Biogeographic Information and Observation System (BIOS).
<https://www.wildlife.ca.gov/Data/BIOS>.