



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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November 23, 2022

Governor's Office of Planning & Research

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STATE CLEARING HOUSE

Sean del Solar
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 City of San Marcos
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Subject: Arco Gas Station Project, Mitigated Negative Declaration (MND), SCH #2022100480

Dear Mr. del Solar:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of San Marcos's MND for the 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, 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.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may also 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.*), the Project Proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of San Marcos (City) had been a local jurisdiction participant in the subregional planning effort known as the Multiple Habitat Planning Program (MHCP). However, a subarea plan (SAP) was not finalized or adopted by the

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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City, nor were permits issued by the Wildlife Agencies (jointly, CDFW and the United States Fish and Wildlife Service (USFWS)). Currently, the City is not pursuing completion of an NCCP, but CDFW encourages the City to reconsider that decision in the future.

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Marcos

Objective: The Project site is a currently vacant 1.8-acre lot surrounded by development. The Project would include construction of a 5,000-square-foot food mart with a drive thru (3,800 square foot food mart and 1,200 square feet of retail), a 2,000 square foot car wash with a 1,000 square foot equipment room, and a 6,192 square foot gas station canopy with nine fuel dispensing stations (i.e., 18 fuel pumps). A total of 59 parking spaces would be provided with three being electric vehicle (EV) charging spaces, one being a vanpool EV parking space, and two being future clean air parking spaces.

Location: The Project site is located in the City in northern San Diego County in southern California. The 1.8-acre project site (Assessor's Parcel Number 219-122-03-00) is located at the southwestern corner of North Las Posas Road and West Mission Road in the central portion of San Marcos, approximately 0.2 mile north of State Route 78. Surrounding land uses include industrial land uses to the south and to the west, commercial land uses to the north, and the Palomar Station Specific Plan Area to the east. The Palomar Station Specific Plan Area includes commercial, retail, and residential development.

Biological Setting:

With regard to regional planning: the Project area is located within the draft MHCP SAP but is not located within a Focused Planning Area (FPA) nor within a Biological Core/ Linkage Area.

A field survey was conducted on October 7, 2020, by Rincon Consultants, Inc. to document the existing conditions of the Project site. All accessible portions of the Project site were covered on foot. Inaccessible adjacent areas were surveyed using binoculars. Vegetation communities were mapped, and the wildlife and plants observed were noted.

No sensitive vegetation communities were detected on site. One land cover type was identified on the Project site: disturbed land. Based on a review of aerial photography, the site was previously partially developed since the 1950s and has been periodically bladed over the years. The Project site is mapped as Developed/Disturbed Land in the draft City SAP Vegetation Map dated October 27, 1999. Current site observations from the October 2020 reconnaissance survey also indicated evidence of recent blading. As such, vegetation is limited to disturbance-adapted species and primarily consisted of shortpod mustard (*Hirschfeldia incana*) and telegraph weed (*Heterotheca grandiflora*). The v-ditches bordering the site are void of vegetation on the south and east and are overgrown with ruderal vegetation and a small tamarisk (*Tamarix ramosissima*) thicket on the west. The Project would impact approximately 1.65 acres of disturbed land which falls under Group F. The MHCP dictates no mitigation for this habitat is required within or outside of an FPA.

No vernal pools, wetlands, or riparian resources were identified within the Project site and the Project has been designed to avoid the concrete v-ditches bordering the site. No sensitive plant species were observed on the Project site during the surveys. However, there are multiple mapped occurrences of thread-leaved brodiaea (*Brodiaea filifolia*; federally listed threatened, state-

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listed endangered, CNPS Rare Plant Rank 1B.1, proposed Narrow Endemic under the MHCP) and Orcutt's brodiaea (*Brodiaea orcuttii*; CNPS Rare Plant Rank 1B.1) within a mile radius of the Project site and populations of both species as close as 0.25 mile.

COMMENTS AND RECOMMENDATIONS

The MND and Biological Resources Assessment state that no suitable habitat for sensitive plant species exists on the Project site due to its disturbed nature. However, multiple mapped occurrences of thread-leaved brodiaea and Orcutt's brodiaea occur within the vicinity of the Project site. The biological survey of the site was conducted in October when these species would not be detectable since they become dormant during the summer and above-ground structures die back. CDFW recommends that focused surveys for these species should be performed at the appropriate time of year (April-May) to determine their presence or absence prior to any Project-related grading or construction on the site.

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. The completed form can be mailed electronically to CNDDDB at the following email address: 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.

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 the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Meredith Osborne, Environmental Scientist, at Meredith.Osborne@wildlife.ca.gov.

Sincerely,

DocuSigned by:


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David Mayer
Environmental Program Manager
South Coast Region

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