



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 2, 2024

Akanksha Chopra, Associate Planner  
City of San Carlos  
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San Carlos, CA 94070  
[AdvancePlanning@cityofsancarlos.org](mailto:AdvancePlanning@cityofsancarlos.org)

Subject: 2045 General Plan Reset, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2024060037, City of San Carlos, San Mateo County

Dear Akanksha Chopra:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of San Carlos's Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the 2045 General Plan Reset (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 fish and wildlife resources of the State. Please be advised, by law, CDFW may be required to carry out or approve aspects of the Project through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is providing the City of San Carlos (City) as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (See: Cal. Code Regs., tit. 14, § 15082, subd. (b).).

## **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.) 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.

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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.

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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 over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project 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.

## **REGULATORY REQUIREMENTS**

### **California Endangered Species Act**

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

### **Lake and Streambed Alteration**

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In

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addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

### **Migratory Birds and Raptors**

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

### **PROJECT DESCRIPTION AND LOCATION SUMMARY**

**Proponent:** 2045 General Plan Reset

**Objective:** The objective of the Project is to update the City of San Carlos 2030 General Plan. Primary Project activities include amending the City of San Carlos 2030 General Plan to address land use and development objective components related to buildout capacity.

**Location:** City of San Carlos (Citywide)

**Timeframe:** 2030-2045

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description including, but not limited to, the below information.

- Land use changes resulting from, for example, rezoning certain areas.
- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.

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## ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: <https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to the species listed in Attachment A.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; Habitat Conservation Plans; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDDB). Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>.

## IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

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- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features;
- Water quality impacts as a result of the Project;
- Impacts to the bed, channel, and bank, in lakes and streams as a result of the Project; and
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat.

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the Lead Agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

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Fully protected species such as California black rail (*Laterallus jamaicensis coturniculus*) or salt-marsh harvest mouse (*Reithrodontomys raviventris*) may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid take of fully protected species.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent CEQA documents or to make supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (d) & (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online here: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found here: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## ENVIRONMENTAL DOCUMENT FILING FEES


CDFW anticipates that the proposed Project, will have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See: 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 in order to assist the City of San Carlos in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jason Teichman, Environmental Scientist at 707-210-5104 or [Jason.Teichman@wildlife.ca.gov](mailto:Jason.Teichman@wildlife.ca.gov); or Wesley Stokes, Senior Environmental Scientist, (Supervisory), at (707) 339-6066 or [Wesley.Stokes@wildlife.ca.gov](mailto:Wesley.Stokes@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
B77E9A6211EF486  
Erin Chappell  
Regional Manager  
Bay Delta Region

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Attachments: Attachment A: Biological resources, City of San Carlos, California, June 26, 2024.

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024060037)

## Attachment A: Biological Resources, City of San Carlos

Common Name	Scientific Name	Federal Status	State Status	Rare Plant Rank	CDFW Status
Alameda song sparrow	Melospiza melodia pusillula	None	None		SSC
American peregrine falcon	Falco peregrinus anatum	Delisted	Delisted		
arcuate bushmallow	Malacothamnus arcuatus var. arcuatus	None	None	1B.2	
Bay checkerspot butterfly	Euphydryas editha bayensis	Threatened	None		
bent-flowered fiddleneck	Amsinckia lunaris	None	None	1B.2	
California black rail	Laterallus jamaicensis coturniculus	None	Threatened		FP
California least tern	Sternula antillarum browni	Endangered	Endangered		FP
California red-legged frog	Rana draytonii	Threatened	None		SSC
California Ridgway's rail	Rallus obsoletus obsoletus	Endangered	Endangered		FP
chaparral ragwort	Senecio aphanactis	None	None	2B.2	
Choris' popcornflower	Plagiobothrys chorisianus var. chorisianus	None	None	1B.2	
coastal marsh milk-vetch	Astragalus pycnostachyus var. pycnostachyus	None	None	1B.2	
Crystal Springs lessingia	Lessingia arachnoidea	None	None	1B.2	
double-crested cormorant	Nannopterum auritum	None	None		WL
Edgewood blind harvestman	Calicina minor	None	None		
Edgewood Park micro-blind harvestman	Microcina edgewoodensis	None	None		
foothill yellow-legged frog - central coast DPS	Rana boylei pop. 4	Threatened	Endangered		
fountain thistle	Cirsium fontinale var. fontinale	Endangered	Endangered	1B.1	
fragrant fritillary	Fritillaria liliacea	None	None	1B.2	
Franciscan onion	Allium peninsulare var. franciscanum	None	None	1B.2	
great blue heron	Ardea herodias	None	None		
green sturgeon - southern DPS	Acipenser medirostris pop. 1	Threatened	None		SSC
hoary bat	Lasiurus cinereus	None	None		
Kings Mountain manzanita	Arctostaphylos regismontana	None	None	1B.2	
Marin western flax	Hesperolinon congestum	Threatened	Threatened	1B.1	
northern harrier	Circus hudsonius	None	None		SSC
pallid bat	Antrozous pallidus	None	None		SSC
Point Reyes saty bird's-beak	Chloropyron maritimum ssp. palustre	None	None	1B.2	
Ricksecker's water scavenger beetle	Hydrochara rickseckeri	None	None		
saline clover	Trifolium hydrophilum	None	None	1B.2	
saltmarsh common yellowthroat	Geothlypis trichas sinuosa	None	None		SSC
salt-marsh harvest mouse	Reithrodontomys raviventris	Endangered	Endangered		FP
salt-marsh wandering shrew	Sorex vagrans halicoetes	None	None		SSC
San Francisco campion	Silene verecunda ssp. verecunda	None	None	1B.2	
San Francisco collinsia	Collinsia multicolor	None	None	1B.2	
San Francisco dusky-footed woodrat	Neotoma fuscipes annexens	None	None		SSC
San Francisco gartersnake	Thamnophis sirtalis tetrataenia	Endangered	Endangered		FP
San Francisco owl's-clover	Triphysaria floribunda	None	None	1B.2	
San Mateo thorn-mint	Acanthomintha duttonii	Endangered	Endangered	1B.1	
Santa Cruz kangaroo rat	Dipodomys venustus venustus	None	None		
Serpentine Bunchgrass	Serpentine Bunchgrass	None	None		
short-eared owl	Asio flammeus	None	None		SSC
western bumble bee	Bombus occidentalis	None	Candidate Endangered		
western leatherwood	Dirca occidentalis	None	None	1B.2	
western pond turtle	Emys marmorata	Proposed Threatened	None		SSC
western snowy plover	Charadrius nivosus nivosus	Threatened	None		SSC
white-rayed pentachaeta	Pentachaeta bellidiflora	Endangered	Endangered	1B.1	
woodland woollythreads	Monolopia gracilens	None	None	1B.2	
yellow rail	Coturnicops noveboracensis	None	None		SSC

Biological resources that may occur in the City of San Carlos, California, California Natural Diversity Database (CNDDDB), June 26, 2024