



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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*GAVIN NEWSOM, Governor*  
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July 8, 2024

Christina Rios  
City of Santee  
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**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CARLTON OAKS COUNTRY CLUB AND RESORT, SCH NO. 2024060258, SAN DIEGO COUNTY, CA**

Dear Christina Rios:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Santee (City) for the Carlton Oaks Country Club and Resort (Project) pursuant to 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, wildlife, plants, and their habitats. 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). 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.

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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.

Christina Rios  
City of Santee  
July 8, 2024  
Page 2 of 20

CDFW may also act 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<sup>2</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 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 is in the process of developing an NCCP/Habitat Conservation Plan Subarea Plan under the San Diego Multiple Species Conservation Program (MSCP) Subregional Plan; however, a Subarea Plan has not yet been adopted by the City or permitted by the U.S. Fish and Wildlife Service (USFWS) or CDFW (the Wildlife Agencies). The Wildlife Agencies continue to meet frequently with the City in an effort to achieve a Subarea Plan which will be brought forward for public review. A portion of the proposed Project also occurs within jurisdiction of the City of San Diego. The City of San Diego participates in the NCCP by implementation of its approved MSCP Subarea Plan and Implementation Agreement. The City's Multi-Habitat Planning Area (MHPA) delineates core biological resource areas and corridors targeted for conservation under the MSCP Subarea Plan.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Alika, LLC

**Objective:** The objective of the Project is to redevelop the existing Carlton Oaks Golf Course and Country Club, which currently consists of a golf course, a country club with restaurant/bar, a pro shop, a 52-key hotel, and a tournament hall.

### *Golf Course Redesign*

The existing 145-acre, 18-hole golf course would be redesigned to a 104-acre, 18-hole golf course. The existing ponds on the golf course would be reshaped, and the existing drainage patterns would be improved. Out-of-play areas around the golf course would be planted with native grasses and smaller shrubs native to the region. The maintenance facility in the eastern portion of the Project site would remain in its current location.

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as, "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Christina Rios  
City of Santee  
July 8, 2024  
Page 3 of 20

### *Carlton Oaks Country Club and Resort*

The Carlton Oaks Country Club and Resort (PA-3) would consist of approximately 51,926 square feet of golf related resort amenities including 10 cottage-style hotel units, a 42-room hotel, a clubhouse with a restaurant, event space, a golf learning center, a cart barn, a pro shop, and a store, all located in the eastern portion of the Project site. As shown on the 5/22/24 revision of the Tentative Map (TM; Hunsacker & Associates 2024), PA-3 would have a total area of approximately 5.7 acres.

### *Residential Development*

The Carlton Oaks Country Club and Resort would include two residential components. Residential West (PA-1) would consist of 86 multi-family detached residential units. The TM indicates PA-1 would have a total area of approximately 9.5 acres. Residential North (PA-2) would consist of 150 detached multi-family residential units. In addition, six single-family lots would front Carlton Oaks Drive and allow for single-story homes on a minimum of 6,000 square-foot lots. The TM indicates PA-2 would have a total area of approximately 17.9 acres.

### *Access*

Access to the golf course and PA-3 would be provided by a private drive through PA-1 from Carlton Oaks Drive southerly via a new bridge across the north channel of the San Diego River. A 26-foot-wide private emergency access road would be provided through the existing Vista del Verde condominiums to PA-3. The emergency access road is shown on the TM as requiring installation of fill to create the road prism and crossing of the north channel of the San Diego River.

### *Proposed Trail Segments*

Multipurpose public trail segments are proposed on the Project site that would link with existing and planned trails to the east and west of the site. In the western portion of the site, the trail segment would extend from West Hills Parkway east to link with the future planned trail known as the Carlton Oaks Golf Course Segment. A graded bench (located within the Carlton Oaks Golf Course Segment) would also be provided. In the eastern portion of the site, a trail segment would traverse through the resort to Carlton Oaks Drive and would extend the offsite Mast Park West Trail (east of the property boundary to the south to the property line), as well as link to the Carlton Oaks Golf Course Segment.

**Location:** The Project is located primarily within the boundaries of the existing Carlton Oaks Country Club. Approximately 100.3 acres of the Project site are within the City of Santee, and approximately 64.6 acres are within the City of San Diego, for a total of approximately 165 acres. The Project site includes twelve Assessor's Parcel Numbers (APN): 383-221-01, -02, -03, -04, 383-241-01, -08, 383-060-26, 383-071-06, -09, -10, and 383-080-03, -04. Additionally, approximately 3.4 acres outside of the Project site

Christina Rios  
City of Santee  
July 8, 2024  
Page 4 of 20

(off-site improvement areas) will be developed with improvements associated with the Project. The proposed Project site and the off-site improvement areas make up the CEQA Study Area.

**Biological Setting:** The Project site is within the historic channel of the San Diego River. Aerials taken in 1953, before the construction of the current golf course, show the San Diego River occupying the majority of the proposed Project site (Nationwide Environmental Title Research n.d.).

The Project site contains the confluences of Sycamore Creek with the north channel of the San Diego River and Forester Creek with the south channel of the San Diego River and receives flows from additional watersheds discharging into the San Diego River. The north and south channels of the San Diego River converge at the downstream end of the Project site.

With the exception of the approximately 17.7-acre parcel (APN 383-071-06) currently housing the clubhouse, hotel, and other facilities, nearly the entire Project site is within the mapped 100-year flood plain and regulatory floodway of the San Diego River (Federal Emergency Management Agency n.d.). PA-1 would be constructed outside the regulatory floodway, but within the 100-year floodplain. PA-3 and the two roads providing access to PA-3 would be constructed within the regulatory floodway of the San Diego River. Any structures constructed within the floodplain or floodway require installation of fill to raise them above the base flood<sup>3</sup> elevation.

Numerous natural resources mitigation sites occur in the vicinity of the Project site. For example: a County of San Diego mitigation site (APN 383-060-25) and a Caltrans mitigation site (APN 383-060-28) are located in the San Diego River downstream of the Project site. City of San Diego mitigation sites (APN 383-080-03) are located in the south channel of the San Diego River immediately adjacent to the southern boundary of the golf course. The Carlton Oaks Conservation Easement and mitigation site (APN 383-071-08) is immediately adjacent to the Project to the east, the Lowes Santee mitigation site (APN 383-070-62), Mast Park mitigation site (APN 381-040-24), and Edgemoor mitigation site (APNs 381-050-55, -57, -60, and -61) are located in the San Diego River upstream of the Project site. A Caltrans mitigation site is located in Forester Creek just upstream of its entry onto the Project site.

The entire Project site falls within USFWS-designated critical habitat for least Bell's vireo. Designated critical habitat for San Diego ambrosia (*Ambrosia pumila*) occurs off-site to the west (U.S. Fish & Wildlife Service n.d.).

A search of CNDDDB (La Mesa and El Cajon U.S.G.S. 7.5 min. quads) returned observation data for 86 special status species (California Department of Fish and Wildlife n.d.). Species known to occur include: San Diego ambrosia (*Ambrosia pumila*;

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<sup>3</sup> "Base flood" means the flood having a one percent chance of being equaled or exceeded any given year. Also called the "100-year flood."

Christina Rios  
City of Santee  
July 8, 2024  
Page 5 of 20

ESA-listed endangered, Rare Plant Rank (RPR) 1B.1), willow monardella (*Monardella viminea*; CESA-listed endangered, ESA-listed endangered), Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered), quino checkerspot butterfly (*Euphydryas editha quino*; ESA-listed endangered), Hermes copper butterfly (*Lycaena Hermes*; ESA-listed threatened), western spadefoot (*Spea hammondi*; California Species of Special Concern (SSC), ESA proposed threatened), least Bell's vireo (*Vireo bellii pusillus*; CESA-listed endangered, ESA-listed endangered), coastal California gnatcatcher (*Polioptila californica californica*; SSC, ESA-listed threatened), and tricolored blackbird (*Agelaius tricolor*; CESA-listed threatened).

The land uses surrounding the Project location include residential uses to the north, open space and residential uses to the east, open space/riverbed and the State Route (SR)-52 right-of-way to the south, and the rights-of-way of SR-52 and West Hills Parkway to the west.

## 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.

### Specific Comments

1. Floodplain Encroachment. CDFW is concerned that the encroachment of the Project building sites could result in significant impacts to the San Diego River, Sycamore Creek, and Forester Creek. The location shown for PA-3 appears to represent a significant constriction to the San Diego River floodway, as well as major pinch point on the confluence with Sycamore Creek. Reducing the available cross section of the floodplain and floodway can lead to increased flooding, changes to sediment transport, increased velocity, and increased scour and erosion. Efforts to protect development from these effects often include bank armoring or other stabilization techniques, which further impact stream functions.

CDFW recommends the DEIR include a thorough evaluation of the potential of the Project to result in changes to flood risks in the San Diego River and also in tributaries entering the Project site. Flood risk modeling should include, at a minimum, Sycamore Creek and Forester Creek. In addition to the modeling used to demonstrate that the Project will not result in increased flood risks, the City should require modeling to explore the potential of the Project to result in changes to other important stream functions. Changes to velocity, erosion, or sediment transport, for example, can result in aggradation and degradation of stream beds extending far up and down stream of Project activities. Changes to stream elevations could, in turn result in impacts to upstream and downstream aquatic, wetland, and riparian habitats, including those associated with the many restoration and mitigation projects in proximity to the Project site.

Christina Rios  
City of Santee  
July 8, 2024  
Page 6 of 20

In addition to the elevation of building pads and roads above the base flood elevation, the TM shows proposed grade changes throughout the golf course. The TM shows changes to the banks of the channels that run through the Project site, as well as raised golf course areas that appear to be armored with rock slope protection.

CDFW also recommends the DEIR include a thorough and complete discussion of any topographic changes proposed within the flood plain and floodway of the San Diego River. The City should quantify the acreage of land that will be elevated above the base flood elevation, as well as the acreage of land that will be converted from floodway to floodplain designation. The City should also quantify the acreage within the floodplain and floodway that will be graded during the golf course redesign, including a separate quantification of the acreage of grading within the low flow path of streams.

The DEIR should identify, describe, depict, and quantify any bank armoring or scour protection that will be necessary to protect filled areas from stream flows. The DEIR should also include a complete description and depiction of bridges, culverts, and other crossings, including a quantification of acreage and fill volume, crossing designs, and armoring or scour protection.

CDFW recommends the City analyze alternatives that do not involve grade changes within the floodplain or floodway, do not involve changes to the channels that run through the Project site, do not require armoring or stabilization to protect raised elevations from stream flows, and do not reduce the width of the floodway. If avoidance of grading in these areas is not feasible, the DEIR should provide measures to mitigate the Project's significant impacts to the floodplain and floodway.

2. Stream Impacts. The Project, as described in the NOP and depicted in the TM, proposes a substantial amount of grading in stream, wetland, and riparian areas. The majority of the Project site is within the FEMA-mapped 100-year floodplain and Regulatory Floodway. Furthermore, the golf course was constructed within the bed, channel, and banks of the San Diego River. As such, at a minimum, all areas occurring within the mapped floodplain should be considered subject to CDFW's regulatory authority under Fish and Game Code section 1600 et seq., which is described in more detail in General Comment 13.

The DEIR should thoroughly analyze impacts to stream, wetland, and riparian areas. The DEIR should include quantification of impacts, and describe methodologies used to determine the extent of stream resources. The stream delineation should take into account that, while low flows may be confined to distinct channels running through the Project site, storm events likely produce flows that overtop the banks of these low flow channels and occupy a larger area. In a natural system, evidence of these overbank flows would accumulate over time, making it relatively easy to delineate the lateral extent of the stream. Routine maintenance of active golf course

Christina Rios  
City of Santee  
July 8, 2024  
Page 7 of 20

areas, however, oftentimes removes evidence such as wracking, sediment deposition, changes in topography, and scour of vegetation. Delineation methodologies that rely on the presence of such evidence would not be appropriate for this Project.

Consistent with the Fish and Game Commission's wetland policy, described in General Comment 14, CDFW opposes any development in wetlands that would result in a reduction in acreage or habitat values. CDFW recommends the City analyze alternatives that avoid impacts to stream, wetland, and riparian areas. If avoidance is not feasible, the DEIR should include a requirement for compensatory mitigation that replaces both the acreage of resources lost and the habitat value of resources directly and indirectly impacted by the Project. Compensatory mitigation ratios should take into consideration, at a minimum, temporal loss as impacted vegetative habitats grow back and loss of carrying capacity of adjacent habitats due to edge effects.

3. Local Wildlife Movement. The San Diego River corridor is an important habitat linkage and is crucial for wildlife species survival and reproduction. The Project is within a Core Biological Resource Area, identified in the San Diego MSCP (City of San Diego 1997) as having high biological value for regional conservation. Any constraints or impacts to the San Diego River corridor would be significant.

Proposed PA-1 and PA-3 would involve installation of fill material and construction of buildings in areas that are currently open golf course. In the NOP figures, it appears PA-1 will reduce the open cross section of the corridor by half, while PA-3 will obstruct roughly two thirds of the width.

CDFW recommends the DEIR analyze whether the Project would impact local wildlife movement that occurs throughout the entire Project site. Impacts include, but are not limited to, habitat loss and fragmentation, narrowing of wildlife corridors, and introduction of barriers to wildlife movement. Technical detail such as data, maps, diagrams, and similar relevant information should be provided to allow full assessment of significant environmental impacts by reviewing agencies and members of the public (CEQA Guidelines, §15147).

CDFW recommends the City analyze alternatives that do not reduce the width of the wildlife movement corridor. Alternatives should include design configurations that consolidate development to the north side of the Project site. If avoidance of corridor encroachment is not feasible, the DEIR should provide measures to mitigate the Project's significant impacts to local wildlife movement.

4. Buffers. CDFW is concerned about potential Project-related direct and indirect effects on the San Diego River, Sycamore Creek, and Forester Creek, the sensitive habitats they support, and the sensitive species that occur in the wetland and riparian habitats in proximity to the proposed Project.

Christina Rios  
City of Santee  
July 8, 2024  
Page 8 of 20

Because the Project is proposed to occur in the San Diego River corridor, CDFW recommends the Project analysis (including alternatives) recognizes the importance of adequate and appropriately managed buffers between the development envelope and riparian or other sensitive habitats.

Riparian buffers serve numerous functions for riparian habitat and the species they support. Buffers are an integral part of the complex riparian ecosystems that provide food and habitat for the fish and wildlife they support. They provide expansion of the habitat's biological values, protection from direct disturbance by humans and domestic animals, and reduce edge effects from adjacent development. Buffers can help to mitigate the effects of noise, artificial light, line-of-sight disturbances, invasive species, and anthropogenic nutrients, sediments, and other pollutants.

CDFW recommends the DEIR analyze the potential of the Project to indirectly impact adjacent habitats, and that the City include requirements for effective buffers between development and sensitive habitats.

5. Crotch's Bumble Bee. Recently, the California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. CDFW considers adverse impacts to a species protected by CESA to be significant. There is potential for Crotch's bumble bee to occur within the Project site. Crotch's bumble bees primarily nest in late February through late September underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, beneath brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee queens include soft, disturbed soil (Goulson 2010) , or under leaf litter or other debris (Williams, et al. 2014).The DEIR should analyze the Project's impact on floral resources, nesting habitat, and overwintering habitat for Crotch's bumble bee. The DEIR should also include a complete report of the presence of Crotch's bumble bee within the Project site. Additionally, CDFW recommends that a qualified entomologist familiar with the species' behavior and life history conduct surveys within one year prior to vegetation removal and/or ground disturbance to determine the presence/absence of Crotch's bumble bee. Surveys for Crotch's bumble bee should adhere to the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (California Department of Fish and Wildlife 2023).
6. Use of Native Plants and Trees. CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected



Christina Rios  
City of Santee  
July 8, 2024  
Page 9 of 20

open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council<sup>4</sup>. CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

7. NCCP Consistency. The northern portion of the Project is within the City of Santee. APN's 383-071-06 and 383-071-09, despite occurring within the City, is excluded from the planning area of the draft Santee MSCP Subarea Plan; therefore, for Project activities occurring within those parcels, there is no interim take coverage provided by the draft Plan. All other areas of the Project occurring within the City of Santee should be analyzed for compliance with the draft Santee MSCP Subarea Plan, since those are in the Plan Area.

The southern portion of the Project site is within the City of San Diego's MSCP Subarea Plan (San Diego MSCP; City of San Diego 1997), and as such should be consistent with the requirements of the City of San Diego's MSCP Subarea Plan and Biology Guidelines. CDFW recommends that the DEIR include an analysis of the Project's consistency with the conservation goals and objectives of the San Diego MSCP. In addition, part of the Project site overlaps with the City's MHPA planned preserve. CDFW recommends that the City of Santee consult with CDFW, the USFWS, and the City of San Diego prior to the issuance of the DEIR to resolve the Project's potential impacts to the MHPA and determine the need for a boundary line adjustment (BLA). If a BLA is appropriate, to ensure consistency with the San Diego MSCP's conservation goals and objectives, the DEIR should include a functional equivalency analysis of the proposed BLA per Sections 1.1.1 and 5.42 of the San Diego MSCP. Any proposed BLA would require written concurrence from the Wildlife Agencies.

8. Advance Coordination. CDFW would welcome the opportunity to meet with the City ahead of the DEIR preparation to discuss potential impacts and possible mitigation measures, including site-specific impacts and mitigation measures. We strongly recommend that the City coordinate with CDFW's Lake and Streambed Alteration (LSA) Program staff, CESA Program staff, and NCCP staff to discuss Project design, alternatives, and avoidance, minimization, and compensatory mitigation for the Project. The CDFW contact information provided in this letter can serve as a

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<sup>4</sup> <https://www.cal-ipc.org/plants/inventory/>

Christina Rios  
City of Santee  
July 8, 2024  
Page 10 of 20

starting point for these scoping efforts if the City does not have existing LSA, CESA, or NCCP Program contact information.

## General Comments

1. Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which the proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
2. Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:
  - a. A complete discussion of the purpose and need for, and description of, the proposed Project.
  - b. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- c. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or

Christina Rios  
City of Santee  
July 8, 2024  
Page 11 of 20

narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.

3. Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
  - a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage<sup>5</sup>.
  - b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*<sup>6</sup>. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

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<sup>5</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

<sup>6</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

Christina Rios  
City of Santee  
July 8, 2024  
Page 12 of 20

- c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The [Manual of California Vegetation](#), second edition, (Sawyer, Keeler-Wolf and Evens 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.
  - d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's [California Natural Diversity Database](#)<sup>7</sup> (CNDDDB). The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.
  - e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#)<sup>8</sup> for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS.
  - f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
4. Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological

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<sup>7</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>8</sup> <https://wildlife.ca.gov/conservation/survey-protocols>

Christina Rios  
City of Santee  
July 8, 2024  
Page 13 of 20

resources with specific measures to offset such impacts. The DEIR should address the following:

- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands.
  - b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
  - c. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.
  - d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
  - e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
5. Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have a potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative

Christina Rios  
City of Santee  
July 8, 2024  
Page 14 of 20

impacts on biological resources, the City, “shall identify facts and analysis supporting the Lead Agency’s conclusion that the cumulative impact is less than significant” (CEQA Guidelines, § 15130(a)(2)).

6. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).
  - a. The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - b. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
7. Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project’s significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.
8. Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring

Christina Rios  
City of Santee  
July 8, 2024  
Page 15 of 20

and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.

9. Nesting Birds. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct weekly bird surveys for nesting birds, within three days prior to work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Expansions or reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
10. Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
11. CESA. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, or candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of any such species, 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 & G. Code, §§ 2080.1, 2081, subs. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. In order for CDFW to rely on the City's CEQA document in issuing take authorization for the Project, the DEIR should address all Project

Christina Rios  
City of Santee  
July 8, 2024  
Page 16 of 20

impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program with sufficient detail and resolution to satisfy the requirements of a CESA ITP.

12. Scientific Collecting Permit. A scientific collecting permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor Project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see the [Scientific Collecting Permits website](#)<sup>9</sup>.
13. Lake and Streambed Alteration. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of an LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that the City assess whether notification is appropriate. A Notification package for an LSAA may be obtained by accessing the [Lake and Streambed Alteration Program website](#)<sup>10</sup>.
14. Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission’s (Commission) policies. Through its [Wetlands Resources Policy](#)<sup>11</sup>, the Commission “...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California”. It is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, Project mitigation assures there will be ‘no net loss’ of either wetland habitat values or acreage. The

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<sup>9</sup> <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

<sup>10</sup> <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

<sup>11</sup> <https://fgc.ca.gov/About/Policies/Miscellaneous#Wetlands>



Christina Rios  
City of Santee  
July 8, 2024  
Page 17 of 20

Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values.”

- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a Project should include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions 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, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- b. The Fish and Game Commission’s Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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. The CNNDDB field survey form and instructions on submitting information can be found on the [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)<sup>12</sup>.

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<sup>12</sup> <https://wildlife.ca.gov/Data/CNDDDB>

Christina Rios  
City of Santee  
July 8, 2024  
Page 18 of 20

To submit information on special status native plant populations and sensitive natural communities, the *Combined Rapid Assessment and Relevé Form* should be completed and submitted to CDFW's [Vegetation Classification and Mapping Program](#)<sup>13</sup>. The City should ensure data collected for the preparation of the DEIR is properly submitted.

## FILING FEES

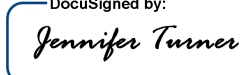
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to [Kelly Fisher](#)<sup>14</sup>, Environmental Scientist.

Sincerely,

DocuSigned by:  
  
C3D449ECB7C14DE...  
Jennifer Turner  
For Victoria Tang  
Environmental Program Manager  
South Coast Region

EC: California Department of Fish and Wildlife  
Melanie Burlaza, Senior Environmental Scientist (Supervisory)  
Steve Gibson, Senior Environmental Scientist (Supervisory)  
Frederic (Fritz) Rieman, Senior Environmental Scientist (Supervisory)  
Victoria Tang, Environmental Program Manager  
Jennifer Turner, Senior Environmental Scientist (Supervisory)

<sup>13</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

<sup>14</sup> Phone: 858-354-5083; email: [Kelly.Fisher@wildlife.ca.gov](mailto:Kelly.Fisher@wildlife.ca.gov)

Christina Rios  
City of Santee  
July 8, 2024  
Page 19 of 20

U.S. Fish and Wildlife Service

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Susan Wynn, Supervisory Fish and Wildlife Biologist; [Susan.Wynn@fws.gov](mailto:Susan.Wynn@fws.gov)

Office of Planning and Research

[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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Christina Rios  
City of Santee  
July 8, 2024  
Page 20 of 20

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