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GAVIN NEWSOM, Governor
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April 3, 2025

Rachel Cohen, AICP, Principal Planner
San Luis Obispo County Community Development Department
919 Palm Street
San Luis Obispo, California 93401
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Subject: 365 Prado Road Mixed-Use Project Martinelli Prado, LLC (053-441-006)
Notice of Preparation (NOP)
SCH No.: 2025030124

Dear Rachel Cohen:

The California Department of Fish and Wildlife (CDFW) received a NOP to prepare a Draft Environmental Impact Report (DEIR) from San Luis Obispo County pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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 and Game 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).

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, activities evaluated in the Plan may be subject to CDFW's lake

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and streambed alteration regulatory authority (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Plan 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 may be required.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the Project planning process if an ITP may be pursued for the Project.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Martinelli Prado, LLC

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Objective: The Project proposes a General Plan Amendment to change the land use designation of the Project site from Business Park (BP) to Services & Manufacturing (SM) and a Specific Plan Amendment to change the land use designation of the Project site from Business Park (BP) to Service Commercial (C-S). The Project would allow for mixed-use development on 19.3 acres, which would be comprised of 222 residential units, up to 100,000 square feet of service commercial space, a 1.29-acre privately maintained public park space, and associated street dedication.

The residential component of the Project would include 222 units located on the northern portion of the Project site, which is in ALUP Safety Zone 6. Of the 222 units, 174 would be either two or three stories and would emphasize housing types such as duplexes, triplexes, townhomes, mew homes, detached single family homes, and courtyard flats ranging in size from approximately 630 square feet to 2,200 square feet. The remaining 48 units would be affordable housing rental units ranging in size from approximately 500 square feet to 1,000 square feet.

The southern portion of the Project site is in ALUP Safety Zone 2, which limits residential development to 0.1 dwelling units per acre. In practice, because of the small area of this portion of the site, no residential development would be allowed. In this area, the Project would construct up to 100,000 square feet of building area, including 90,000 square feet of mini storage uses in a two-story building and 10,000 square feet of flex space intended for neighborhood serving restaurant or retail uses, and/or office space in a one-story building. These uses on this portion of the Project site would be required to be consistent with the allowable uses within the Service Commercial (C-S) zone as well as occupancy and employee density restrictions established in the ALUP for Safety Zone 2.

Location: The Project is located on 365 Prado Rd, San Luis Obispo, within Assessor's Parcel Number (APN) 053-441-006.

Timeframe:

Phase 1: Phase 1 is anticipated to be completed within 36 months for the for-sale portion of the Project (12 months for site preparation and 24 months for completion and sale of the 89 residential units). Phase 1 would include the development of approximately 5.03 acres of residential uses for 89 for-sale units in the northern portion of the Project site, along with development of public roads, the offsite sewer, the initial portion of the onsite storm drainage system, and the storm drainage for Davis Road.

Phase 2: Phase 2 is anticipated to be completed in 48 months (12 months for site preparation and 30-36 months for completion of occupancy of the 85 for-sale residential units). The 48-unit affordable housing Project is anticipated to be completed within 60 months after the start of Phase 2, but no later than the completion of Phase 3.

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Phase 2 would include the development of approximately 5.83 acres for residential uses for 85 or-sale units and 48 affordable rental units in the central portion of the Project site, along with development of the 1.29-acre park. Phase 2 would also involve the completion of Davis Road, additional internal public streets, and completion of the offsite shared-use path connection to Innovation Way. During Phase 2 the site for the 48-unit affordable housing portion of the Project would be provided with public utilities and street access and transferred to the Housing Authority of the City of San Luis Obispo (HASLO).

Phase 3: Construction of the Phase 3 commercial property is anticipated to occur within 36 months following completion of Phases 1 and 2. Phase 3 would include the development of approximately 3.65 acres for 100,000 square feet of commercial uses in the southern portion of the site that is in ALUP Safety Zone 2.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist San Luis Obispo County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

Based on a review of the Project description, a review of California Natural Diversity Database (CNDDDB) records, and the surrounding habitat, the Project site is within the geographic range of several special-status species, including: the State fully protected golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern and federally threatened southwestern pond turtle (*Actinemys pallida*) and California red legged frog (*Rana draytonii*); the State species of special concern American badger (*Taxidea taxus*), and the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*).

Additionally, the Project site is within the geographic range of several special-status plant species including, but not limited to, the California Rare Plant Rank (CRPR) 1B.2 Betty's dudleya (*Dudleya abramsii* ssp. *bettinae*), the CRPR 1B.3 Brewer's spineflower (*Chorizanthe breweri*), the CRPR 1B.2 chaparral ragwort (*Senecio aphanactis*), the CRPR 1B.1 Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) and Hoover's button-celery (*Eryngium aristulatum* var. *hooveri*), the CRPR 1B.1 Irish Hills monkeyflower (*Erythranthe serpentinicola*), the CRPR 1B.2 Miles' milk-vetch (*Astragalus didymocarpus* var. *milesianus*), the CRPR 1B.1 mouse-gray dudleya (*Dudleya abramsii* ssp. *murina*), and the CRPR 1B.2 most beautiful jewelflower

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(*Stephanthus albidus ssp. peramoenus*), San Luis mariposa-lily (*Calochortus obispoensis*), and San Luis Obispo owl's clover (*Castilleja densiflora var. obispoensis*).

Golden Eagle

The Project site is within the known geographic range of golden eagle (GOEA) and there are several documented occurrences of GOEA within the Project vicinity (CDFW 2025). Additionally, based on aerial imagery and a review of the Project vicinity, the Project site contains suitable foraging habitat for the species, and suitable nesting habitat may be present within the Project's vicinity. As such, CDFW recommends that a qualified biologist conduct focused GOEA surveys as part of the biological studies conducted in support of the DEIR. To avoid Project related impacts to this species, CDFW recommends incorporating survey methods outlined in the Protocol for the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines (USFWS 2010).

In addition to conducting GOEA surveys, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 1: Golden Eagle Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project activities, CDFW recommends that additional surveys, following the methods outlined in the Protocol for the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines (USFWS 2010), be repeated the survey season immediately prior to initiation of Project activities.

Recommended Mitigation Measure 2: Golden Eagle Avoidance Buffer

If surveys indicate the presence or potential presence of GOEA nesting territories within ½-mile of the Project site, CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of GOEA until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. CDFW advises to not allow reductions in no-disturbance buffer size for GOEA or any fully protected bird species absent a compelling biological or ecological reason to do so. In the event that GOEA are detected during surveys, consultation with CDFW is warranted to discuss Project implementation and take avoidance.

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White-tailed Kite

This State fully-protected species occurs in the vicinity of the Project site. The Project site is within the known geographic range of white-tailed kite (WTKI) and there are several documented occurrences of WTKI within the Project vicinity (CDFW 2025). Additionally, based on aerial imagery and a review of the Project vicinity, the Project site contains suitable foraging habitat for the species, and suitable nesting habitat may be present within the Project's vicinity. As such, CDFW recommends that a qualified biologist conduct focused WTKI surveys, within a ½-mile buffer, as part of the biological studies conducted in support of the DEIR.

In addition to conducting WTKI surveys, CDFW recommends the DEIR include the following measures.

Recommended Mitigation Measure 3: White-tailed Kite Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project activities, CDFW recommends that a qualified biologist conduct focused WTKI surveys, within a ½-mile buffer, the survey season immediately prior to initiation of Project activities.

Recommended Mitigation Measure 4: White-tailed Kite Avoidance Buffer

CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of WTKI until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. CDFW advises to not to allow reductions in no-disturbance buffer size for WTKI or any fully protected bird species absent a compelling biological or ecological reason to do so. In the event that WTKI are detected during surveys, consultation with CDFW is warranted to discuss Project implementation and take avoidance.

Western Burrowing Owl

The Project site is within the known geographic range of western burrowing owl (BUOW), and, based on aerial imagery, it appears that suitable BUOW habitat may be present with the Project site. The California Fish and Game Commission (FGC) approved BUOW as a candidate for listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). As such, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys

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following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) as part of the biological studies conducted in support of the DEIR.

In addition to conducting focused surveys for BUOW, CDFW recommends the DEIR include the following:

Recommended Mitigation Measure 5: BUOW Preconstruction Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project activities, CDFW recommends that additional surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) be repeated the survey season immediately prior to the initiation of Project activities.

Recommended Mitigation Measure 6: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during preconstruction surveys or Project activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 7: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Crotch's Bumble bee

The Project site is within the range of Crotch's bumblebee (CBB). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements appear to be present within the Project site. As such, CDFW recommends that a qualified biologist conduct a habitat assessment to assess Project related impacts to CBB. CDFW also recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

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In addition to conducting CBB surveys, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 8: CBB Surveys

If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

Recommended Mitigation Measure 9: CBB Avoidance

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 10: CBB Take Authorization

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

Southwestern Pond Turtle

The Project site is within the known geographic range of southwestern pond turtle (WPT), and, based on aerial imagery, it appears that suitable WPT dispersal habitat may be present with the Project site. WPT utilize nesting, overwintering, dispersal, and basking habitat that includes streams, ponded areas, irrigation canals, and riparian and upland habitats. WPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). As such, CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support WPT as part of the biological studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of WPT, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation.

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California Red-Legged Frog

The Project site is within the known geographic range of California red-legged frog (CRLF) and there are several documented occurrences of CRLF within the Project vicinity (CDFW 2025). Additionally, based on aerial imagery and a review of the Project vicinity, the Project site contains suitable upland habitat for the species, and suitable breeding habitat may be present within the Project's vicinity to the south and west. As such, CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CRLF as part of the biological studies conducted in support of the DEIR.

In addition to conducting a habitat assessment for CRLF, CDFW recommends the DEIR include the following:

Recommended Mitigation Measure 11: CRLF Surveys

CDFW recommends that a qualified biologist conduct focused surveys for CRLF within areas of suitable habitat adjacent to or within the Project site 48-hours prior to initiating Project activities (two night surveys immediately prior to construction or as otherwise required by USFWS in accordance with the "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF are within or adjacent to the Project site.

Recommended Mitigation Measure 12: CRLF Avoidance

If any CRLF are found during preconstruction surveys or at any time during Project activities, CDFW recommends avoidance whenever possible via delineation and observance of a 50-foot no-disturbance buffer around CRLF and their burrows. If CRLF are observed on the Project site, CDFW also recommends that Project activities in the immediate vicinity cease, allowing individuals to leave the Project site on their own accord. Finally, CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor Project activities daily for CRLF.

American Badger

The Project site is within the known geographic range of American badger (AMBA) (CDFW 2025). AMBA occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.) (Zeiner et. al 1990). Based on

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aerial imagery, most of the Project site contains suitable habitat for AMBA denning and foraging. As AMBA have the potential to den and/or forage within the Project site, CDFW recommends that a qualified biologist assess the presence/absence of AMBA by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the Draft EIR.

In addition to conducting a habitat assessment for AMBA, CDFW recommends the DEIR include the following:

Recommended Mitigation Measure 13: American Badger Surveys

CDFW recommends that a qualified biologist conduct focused surveys for AMBA and their requisite habitat features (dens) immediately prior to ground-disturbance activities.

Recommended Mitigation Measure 14: American Badger Avoidance

Avoidance of AMBA whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

Vernal Pool Fairy Shrimp

The Project site is within the known geographic range of vernal pool fairy shrimp (VPFS), there are several documented occurrences of VPFS directly adjacent to the Project site (CDFW 2025), and suitable wetland habitat is present within the surrounding grassland/wetland complexes to the south and east of the Project. Additionally, suitable aquatic and grassland habitats may also be present within the Project site. As such, CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site contains suitable habitat to support VPFS as part of the biological studies conducted in support of the DEIR. If suitable habitat is determined to be present within the Project site, CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) as part of the biological studies conducted in support of the DEIR. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of VPFS. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site, coordination with CDFW is recommended well in advance of any Project activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers. Additionally, consultation with USFWS may be necessary to minimize the potential for federal "take" and/or mitigate for potential impacts.

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Special-status Plants

The Project site is within the geographic range of Betty's dudleya, Brewer's spineflower, chaparral ragwort, Congdon's tarplant, Hoover's button-celery, Irish Hills monkeyflower, Miles' milk-vetch, mouse-gray dudleya, most beautiful jewelflower, San Luis mariposa-lily, and San Luis Obispo owl's clover, and these species were documented within the grassland and wetland habitats surrounding the Project site. As the Project site may contain suitable habitat for special-status plant species, including the species mentioned above, CDFW recommends that the Project site(s) be surveyed for special-status plants within areas of suitable habitat by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities" (CDFW 2018) as part of the biological technical studies conducted in support of the DEIR. This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

In addition to conducting special-status plant surveys, CDFW recommends the DEIR include the following:

Recommended Mitigation Measure 15: Focused Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project activities, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities" (CDFW 2018) immediately prior to initiation of Project activities. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended Mitigation Measure 16: Special-Status Plant Avoidance

CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

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Recommended Mitigation Measure 17: Special-Status Plant Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would need to occur through issuance of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), or Fish and Game Code section 1900 and California Code of Regulations, title 14, section 786.9, subdivision (b).

EDITORIAL NOTES AND SUGGESTIONS

Lake and Streambed Alteration

Based on a review of aerial imagery, it appears that multiple streams may be present within the Project site and Project vicinity. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Any "river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Artificial Lighting

Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

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CDFW recommends that the DEIR for the Project include an analysis of the impacts of artificial lighting on biological resources and incorporate enforceable mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting not be installed in ecologically sensitive areas (e.g., streams, wetlands, and habitat used by special-status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

CNDDDB

Please note that the CNDDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

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). Cumulative impacts are recommended to 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 should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

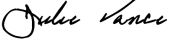
CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist in identifying and mitigating this Project's impacts on biological resources.

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More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Please see the enclosed, Attachment 1, Mitigation Monitoring and Reporting Program (MMRP) table, which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT

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Steve Henry/ FWS steve_henry@fws.gov

State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

PROJECT: 365 Prado Road Mixed-Use Project Martinelli Prado, LLC

SCH No.: 2025030124

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Golden Eagle (GOEA)	
Recommended Mitigation Measure 1: GOEA Survey	
White-tailed Kite (WTKI)	
Recommended Mitigation Measure 3: WTKI Surveys	
Burrowing Owl (BUOW)	
Recommended Mitigation Measure 5: BUOW Preconstruction Surveys	
Recommended Mitigation Measure 7: BUOW Take Authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 8: CBB Surveys	
Recommended Mitigation Measure 10: CBB Take Authorization	
California Red-legged Frog (CRLF)	
Recommended Mitigation Measure 11: CRLF Surveys	
American Badger (AMBA)	
Recommended Mitigation Measure 13: AMBA Surveys	
Special-status Plants	
Recommended Mitigation Measure 15: Focused Surveys	
Recommended Mitigation Measure 17: Special-status Plant Take Authorization	
<i>During Construction</i>	
Golden Eagle	
Recommended Mitigation Measure 2: Golden Eagle Avoidance Buffer	
White-tailed Kite	

Recommended Mitigation Measure 4: White-tailed Kite Avoidance Buffer	
Burrowing Owl (BUOW)	
Recommended Mitigation Measure 6: BUOW Avoidance Buffer	
Crotch's Bumble Bee	
Recommended Mitigation Measure 9: CBB Avoidance	
California Red-legged frog (CRLF)	
Recommended Mitigation Measure 12: CRLF Avoidance	
American Badger (AMBA)	
Recommended Mitigation Measure 14: AMBA Avoidance	
Special-Status Plant Avoidance	
Recommended Mitigation Measure 16: Special-status Plant Avoidance	