

Draft Responses to Comment Letter HH

California Department of Fish and Wildlife

Edmund Pert

March 18, 2013

	Comment	Response to Comment
HH-1	The California Department of Fish and Wildlife (Department) has reviewed the above-referenced draft Supplemental Environmental Impact Report (SEIR), dated February 1, 2013. The comments provided herein are based on information included in the draft SEIR, our knowledge of sensitive and declining vegetation communities, and our participation in regional conservation planning.	This comment is acknowledged. It is introductory in nature and does not raise a significant environmental issue for which a response is required.
HH -2	The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code 2050 et seq.), Fish and Game Code Section 1600 et seq., and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program, a California regional habitat conservation planning program. The County of San Diego (County) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP), herein referred to as the South County MSCP (SCMSCP).	This comment is acknowledged. It is introductory in nature and does not raise a significant environmental issue for which a response is required.
HH -3	Many of the former Forest Conservation Initiative (FCI) lands are located within the County's draft North County	This comment is acknowledged. It is introductory in nature and does not raise a significant environmental issue for which

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	and East County MSCP (NCMSCP and ECMSCP, respectively) planning areas, which are at various level of development and not yet adopted.	a response is required.
HH -4	The proposed Project involves a GPA to the current San Diego County General Plan, based on the General Plan Update that was adopted on August 3, 2011. The proposed GPA would change the land use designations for approximately 71, 600 acres of land that were directly or indirectly affected by the former FCI, which expired on December 31, 2010. The affected lands are in and around the Cleveland National Forest within County unincorporated community planning areas and subregional planning areas (e.g., Alpine, Central Mountain, Desert, Jamul/Dulzura, Julian, Mountain Empire, North Mountain, Pendleton/De Luz, and Ramona).	This comment is acknowledged and reflects an accurate understanding for the scope of land use changes proposed by this GPA to FCI lands. The comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
HH -5	Additionally, the Project involves proposed changes in land use designations for approximately 400 acres of private lands adjacent to former FCI lands to ensure that the uses anticipated for these lands are consistent with the changes proposed for the former FCI lands. The GPA would include removing the FCI Appendix from the General Plan; amending the Alpine Community Plan; amending the Central Mountain, Jamul/Dulzura, and North Mountain Subregional Plans; and amending the County Zoning Ordinance with new zoning designations to ensure consistency with the GPA.	This comment is acknowledged and reflects the remaining scope for this GPA. It is introductory in nature and does not raise a significant environmental issue for which a response is required.
HH -6	We offer the following comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts: 1. The Biological Resources discussion (Section 2.4.2.1)	These introductory comments regarding the biological resources discussions related to the draft MSCP plans are more fully developed later in this comment letter and therefore more detailed responses are presented later for each topic.

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	identifies the County's current efforts in developing MSCP Plans for the North County (NCMSCP) and East County (ECMSCP) areas. The corresponding impact analysis concludes that absent adoption of either of these MSCP Plans, the resultant impact to habitat supporting special status plant and wildlife species would be significant and cumulatively considerable, even after mitigation has been implemented at the individual project level.	
HH -7	We appreciate the County's reasoning that, from a CEQA standpoint, areas within the NCMSCP and ECMSCP planning areas have yet to receive state or federal permits and therefore the County cannot claim that cumulative impacts have been adequately addressed elsewhere.	This comment is acknowledged.
HH -8	However, we recommend that the final SEIR clarify that those areas which may be impacted (and presumably appropriately mitigated for) within the existing SCMSCP would not result in cumulatively significant impacts because this issue was addressed through the County's commitment to the SCMSCP.	The County has revised the SEIR to explain that those areas that may be impacted (and presumably appropriately mitigated for) within the existing South County Subarea would not result in cumulatively significant impacts to sensitive biological resources because cumulative impacts were addressed through the County's commitment to the South County Subarea Plan. See revisions to Sections 2.4.3.1, 2.4.3.2, and 2.4.3.4 of this SEIR. In addition, Figure 2.4-1 was revised to show the existing South County MSCP PAMA/Preserves, and the Draft North County MSCP PAMA/Preserves.
HH -9	2. Additionally, we recommend that the biological resources analysis acknowledge the interim North and East County MSCP Planning Agreement (dated October 29, 2008) that is currently in place between the County, Department, and U.S. Fish and Wildlife Service for the NCMSCP and ECMSCP planning areas.	The County has revised the SEIR to acknowledge the interim Planning Agreement with the CDFW and USFWS for the North County and East County Plans. See revisions to Sections 2.4.3.1, 2.4.3.2, and 2.4.3.4 of this SEIR.
HH-10	This Planning Agreement includes criteria whereby forthcoming development proposals will be evaluated for	The County has revised the SEIR to explain that the North and East County Planning Agreement is critical to protecting

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	consistency with the preliminary conservation objectives. These include ensuring development does not compromise successful completion and implementation of these pending plans and that CEQA, CESA, and FESA compliance for interim projects will be applied. The interim Planning Agreement is a critical element to ensuring protection and conservation of sensitive biological resource until the time the County adopts the NCMSCP and/or ECMSCP.	and conserving sensitive biological resources in the County's jurisdiction outside the adopted South County Subarea until the North County and East County Plans are adopted.
HH-11	Along with providing additional review of the interim Planning Agreement within the MSCP regulatory framework discussion, we recommend that all relevant conservation objectives as defined under the interim Planning Agreement be included by reference or carried forward into the proposed mitigation measures for the final SEIR.	The County has revised the SEIR to include the interim Planning Agreement for the North County and East County Plans by reference in the final SEIR.
HH-12	3. The existing Habitat Loss Permit (HLP) process established as part of the interim Planning Agreement is another important method that should be identified to potentially reduce impacts to coastal sage scrub and California gnatcatcher (<i>Polioptila californica</i>) to below a level of significance in the NCMSCP and ECMSCP areas.	The County has revised the SEIR to identify the HLP process established as part of the interim Planning Agreement as another important method to reduce impacts to coastal sage scrub and the coastal California gnatcatcher to below a level of significance in the North County Plan and East County Plan areas.
HH-13	Also, we recommend that the final SEIR identify where impacts to listed species may occur in areas outside of the SCMSCP SAP, and potentially to non-covered listed species within the SCMSCP SAP. The SEIR should state that, outside of the permitted SCMSCP, no take of species has been conveyed to the County and that separate federal and state permits may be required for subsequent projects that follow under the FCI GPA.	The County has revised the SEIR to explain that no take of species has been conveyed to the County by the USFWS or CDFW for lands outside the South County Subarea and that separate federal and state permits for impacts to sensitive biological resources may be required for subsequent projects that follow under the FCI GPA.
HH-14	4. The County's Guidelines for Determining Significance for Biological Resources includes habitat mitigation ratios (i.e., Table 5) that would apply for development occurring outside	The County has revised the SEIR to incorporate the Biological Mitigation Ordinance mitigation ratios by reference for areas in the South County Subarea. For areas in

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	<p>of adopted MSCP plan areas. Those ratios are similar to those defined within the County’s adopted MSCP SAP plan, which are incorporated into the County’s Biological Mitigation Ordinance (BMO, San Diego County Code Title 8, Division 6, Chapter 5). Incorporating the BMO ratios by reference into the proposed biological mitigation measures of the final SEIR would be beneficial to ensure potential loss of habitat conservation planning (e.g. the NCMSCP and ECMSCP plans until they are adopted). For example, <i>Bio-5</i> mitigation measure should identify that all projects in the interim (i.e., prior to approval of the NCMSCP and ECMSCP) shall apply habitat-based mitigation ratios per Table 2 of the Guidelines for Determining Significance for Biological Sciences.</p>	<p>the North and East County Plan areas, mitigation ratios given in Table 2 of the County’s Guidelines for Determining Significance – Biological Resources, 2010 version. If the mitigation ratio table and/or the Guidelines are revised, the most recent version will be applied.</p>
HH-15	<p>5. The draft SEIR cites that project-related impacts would be reduced to below a level of significance through implementation of the County Zoning Ordinance, Resource Protection Ordinance, and design review guidelines. If the intent of the GPA is to ensure consistency with the guiding principles and policies of the adopted General Plan, where applicable, adhering to criteria defined in the BMO should be acknowledged in order to apply specific criteria for project design, impact allowances, and mitigation requirements. Following guidance under the BMO is also important to achieving goals such as for Mitigation Measures agr-1.3 which promotes conservation of natural resource and open space.</p>	<p>The County has revised the SEIR to clarify that subsequent to the FCI GPA, projects in the South County Subarea must adhere to the requirements of the BMO and the South County Subarea Plan. In reference to Mitigation Measure Agr 1-3, conservation subdivision requirements are mandatory when subdividing property with General Plan residential land use designations of Semi-Rural 10 and Rural Lands 20, 40 & 80. The subdivision ordinance requires that future subdivisions in these land use designations comply with these requirements.</p>
HH-16	<p>6. The Department recognizes that the General Plan and related amendments are noted as being exempt from the BMO. However, if the FCI GPA would affect any lands within South County MSCP SAP, the SEIR should clearly define that all subsequent discretionary projects that follow</p>	<p>The County has revised the SEIR to clarify that subsequent to the FCI GPA, projects in the South County Subarea must adhere to the requirements of the BMO and the South County Subarea Plan.</p>

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	under the FCI in these areas would be required to meet the existing mitigation obligations to reduce covered species impacts to below a level of significance, in accordance with the existing federal and state MSCP permits.	
HH-17	7. A figure of affected FCI lands was provided within Chapter 1.0; however, a corresponding figure depicting boundaries of either the adopted SCMSCP SAP planning area or draft NCMSCP or ECMSCP plan areas in relationship to the FCI lands was not provided in the draft SEIR.	Comment HH-18 discusses this issue in more detail. See Response HH-18.
HH-18	Based on the proposed general plan buildout scenarios for the former FCI lands and the potential impact to conserved lands (within either adopted or future MSCP planning areas), we believe the final SEIR should provide a figure(s) showing the boundaries of the adopted SCMSCP SAP and draft NCMSCP and ECMSCP planning areas. The figure(s) should depict the locations of Pre-Approved Mitigation Areas, Biological Resource Core Areas and designated corridors and linkage areas defined within the adopted SCMSCP. The purpose of this information would be to evaluate where and to what degree does the proposed FCI GPA increase or decrease land use density (or otherwise potentially result in land use impacts) in existing SCMSCP and the draft NCMSCP and ECMSCP.	The County has revised Figure 2.4-1 of the draft SEIR to show the existing South County MSCP PAMA/Preserves, and the Draft North County MSCP PAMA/Preserves. In addition, a table has been added that estimates the degree of impact that would be expected with the FCI GPA.
HH-19	We appreciate the opportunity to comment on the draft SEIR for this project and to assist the County in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the County has to our comments and to receive notification to the forthcoming hearing date for this project (CEQA Guideline; 15073(e)). If you have questions or comments regarding this letter, please	This comment provides concluding remarks and does not raise an issue for which a response is required.

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	contact Randy Rodriguez/MSCP at Randy.Rodriguez@wildlife.ca.gov (858) 637-7100 or Paul Schlitt/CEQA at Paul.Schlitt@wildlife.ca.gov (858) 637-5510.	

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