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September 14, 2015

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SEP 14 2015
Planning and
Development Services

Subject: Comments on the Notice of Preparation of a Subsequent Environmental Impact Report for the El Monte Sand Mining and Nature Preserve Project (SCH#2015081025)

Dear Mr. Hingtgen:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the El Monte Sand Mining and Nature Preserve Subsequent Environmental Impact Report (SEIR). 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.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The County of San Diego (County) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

The project is located between El Monte Road and Willow Road approximately 0.5 to 2.25 miles northeast of the El Monte Road and Lake Jennings Park Road intersection, in the Lakeside Community Planning Area within an unincorporated area of San Diego County.

The proposed project would extract up to 18 million tons of mineral resource over a 15-year period with an additional four years required to complete the reclamation activities. The project would be developed in four mining phases of approximately 26, 56, 48, and 36 acres respectively, and would generally proceed in an east to west direction. Extraction activities on each phase are anticipated to last three to five years. The site would be progressively reclaimed and restored to an end use of open space with an open water pond and recreational trail easements. The combined mineral extraction and reclamation project would affect approximately 188.6 acres. The total Major Use Permit (MUP) boundary is nearly 530 acres on land currently owned by Helix Water District. The proposed sand mining operation would include an aggregate processing facility, support structures, and buildings and storage containers. The first phase would involve mining to create a sub-grade pad for location of a portable processing plant, development of the initial extraction area, and the installation of a channel erosion control structure to prevent head cutting of the San Diego River channel to the east. Wash fines (silt and clay) would be used to fill three surface depressions created during initial grading activities for golf course ponds.

Reclamation would be completed for each specific phase after completion of mining in that area. Reclamation would include establishment of all final slopes, placement of fill to create a series of benches adjacent to the extraction pond, revegetation, weed control, and monitoring. After final grading, a top dressing would be applied and each bench planted with a specific native seed mix identified in the Reclamation Plan. Planting of graded areas would be conducted as final landforms are established and become available for revegetation. Following the cessation of extractive operations, all equipment and temporary structures would be removed from the project site. Remaining access road segments and operational related disturbance would be scarified and graded to the final reclamation contours and then revegetated. Water required for dust control, watering of outgoing loads, and for the processing equipment is estimated at 132 acre-feet annually. The project would obtain its water from on-site wells and ponds once sand extraction activities extend below the water table.

The Department offers the following comments and recommendations to assist the County in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

1. The Department recommends the County ensure an adequately-sized north-south wildlife movement corridor consistent with MSCP guidelines for the duration of the project and subsequent restoration in order to ensure a functional connection for wildlife between adjacent areas mapped as pre-approved mitigation area (PAMA) under the SAP.
2. The Department recommends preservation of raptor foraging habitat for at least five sensitive raptor species historically known from the former agricultural areas and other grassland areas as noted in surveys for the previous golf course project. The Department also recommends that any mitigation to offset the significant impact of displacement of raptor foraging from the area be of sufficient scope to offset the impact. This may consist of preservation of grassland habitat off site of sufficient quality and long-term viability and management to sustain similarly diverse raptor populations.
3. The Department recommends updated surveys and analysis of impacts for the least Bell's vireo (*Vireo bellii pusillus*), California gnatcatcher (*Poliotilta californica californica*), yellow-breasted chat (*Icteria virens*) and San Diego ambrosia (*Ambrosia pumila*). In addition, researchers with the United States Geological Survey (USGS) have expressed interest in furthering conservation of the California glossy snake (*Arizona elegans occidentalis*) found in the project vicinity and thought to be dependent on the sandy habitat proposed for extraction under the project. The Department recommends extensive survey and analysis for impacts to this species, including development of a subsequent plan for its conservation.
4. The Department recommends the SEIR include extensive discussion of the influence of the project on the long-term viability of the adjacent Hanson El Monte Pond Flood Control, Restoration and Recharge (HEMP) Project. This should include analysis of the applicability of restoration aspects of this project to the goals and objectives of the HEMP, such as acquisition or restoration of nesting and foraging habitat for the tricolored blackbird (*Agelaius tricolor*) and western pond turtle (*Emys marmorata*).
5. The Department recommends the SEIR include extensive analysis of how both the operation and reclamation aspects of the project would impact sediment transport and

movement of remaining watershed flows and analysis of any subsequent long-term effects on native alluvial habitats both on- and off-site of the project. A thorough hydrological analysis should examine alternatives for moving flood event or other natural water flows through the site during all phases of the project. This should also include discussion of impacts to existing downstream mitigation sites and conservation areas established for previous regional projects by the San Diego County Water Authority, Metropolitan Transit System, and others. The use of fines as fill for final grading should also be analyzed in terms of the potential impact on infiltration rates and subsequent effects on plant growth relative to native habitat restoration and sediment use by native fossorial animals.

6. The Project Description of the NOP notes that the MUP issued by the County in 2000 for the previous golf course project continues to regulate use for the site and that initial site grading occurred under that MUP. The Department recommends that the status of the mitigation required in the original EIR filed for the issuance of the MUP be clarified in the SEIR and that any changes in mitigation requirements of the mitigation plan for the MUP under the previous EIR be analyzed for sufficiency for offsetting impacts of the current project.

General Comments

7. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion 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 maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the SEIR and must compensate for the loss of function and value of a wildlife corridor.
 - a) The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the SEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.¹ Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
 - b) The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may

¹ Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

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 the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.²

8. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
9. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the SEIR.
 - a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.

² A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

- b) A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources, particularly wetlands (as the proposed project would result in significant impacts to wetland/riparian habitat within the San Diego River). Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

Biological Resources within the Project's Area of Potential Effect

10. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats, the SEIR should include the following information.
 - a) Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on resources that are rare or unique to the region.
 - b) A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>). The Department recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008³). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
 - c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

³ Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

Analyses of the Potential Project-Related Impacts on the Biological Resources

11. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the SEIR.
 - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
 - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the SEIR.
 - c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation for the Project-related Biological Impacts

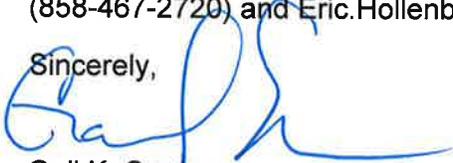
12. The SEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
13. The SEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project 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 not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
14. For proposed preservation and/or restoration, the SEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts.

The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

15. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1- September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. 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.
16. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
17. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Eric Hollenbeck at (858-467-2720) and Eric.Hollenbeck@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
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South Coast Region

ec: Eric Porter (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

