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March 12, 2015

Mr. Mark Slovick
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Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Newland Sierra General Plan Amendment, Specific Plan, Rezone and Tentative Map Project (PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM-5597, LOG NO. PDS2015-ER-08-001), County of San Diego, California (SCH#2015021036)

Dear Mr. Slovick:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for a draft Environmental Impact Report (DEIR) for the Newland Sierra Project (SCH#2015021036) (Project) dated February 12, 2015. The comments provided herein are based upon information provided in the NOP for the DEIR (and associated reference materials including Dudek's December 2013 Memorandum), our knowledge of sensitive and declining vegetation communities, and ongoing regional habitat conservation planning in the County of San Diego (County). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State of California's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA, Fish and Game Code §2050 *et seq.*) and other sections of the Fish and Game Code. The Department is also responsible for the administration of the Lake and Stream Alteration Agreement Program (Fish and Game Code §1600 *et seq.*). The Department also administers the Natural Community Conservation Planning (NCCP) program (NCCP, Fish and Game Code §2800 *et seq.*). The County is a participant in the Natural Community Conservation Planning (NCCP) program. Currently, the County has an adopted South County Multiple-Species Conservation Program (MSCP), and is actively pursuing its draft North County MSCP (NC-MSCP). The NC-MSCP is a comprehensive habitat conservation planning program that attempts to preserve native habitats for a multitude of sensitive species for which the County, Fish and Wildlife Service, and California Department of Fish and Wildlife entered into a Planning Agreement (County of San Diego, 2014).

The Project site consists of 51 parcels totaling approximately 1,985 acres located west of Interstate 15, north of Deer Springs Road, and east of Twin Oaks Valley Road within the Twin Oaks Valley and Hidden Meadows Communities of the North County Metropolitan Subregional Plan area (southern portion) and the Bonsall Community Planning area (northern portion) of the unincorporated San Diego County (County). The project would include the development of a

new master planned community consisting of 2,135 dwelling units, 81,000 square feet of general commercial uses, a six-acre charter school site, approximately 37 acres of parks and 1,202 acres of biological open space. Overall, the master-planned development would consist of seven planning areas focused around a town center located off Deer Springs Road in the southeastern corner of the site and include an extensive trail system including: 7.1 miles of multi-use pathways along the main road; 8.7 miles of internal pathways and trails within neighborhoods; two miles of multi-purpose trails through the open space area; and, 1.3 miles of secondary trails through the open space area. The project would require several County approvals, including a General Plan Amendment, Specific Plan, Rezone, Tentative Map and habitat loss permit (HLP). Access to the project site would be provided by two main access points along Deer Springs Road, with an additional access point provided at Camino Mayor off of Twin Oaks Valley Road. Earthwork for the Project is estimated to consist of 10,700,000 cubic yards of balanced cut/fill with construction anticipated to occur in three phases over a 5 to 10 year period. The project would require the extension of fire protection services (Deer Springs Fire Protection District), sewer and water utilities [Vallecitos Water District (VWD)] and natural gas and electricity utilities [San Diego Gas & Electric Company (SDG&E)].

The project site is located within the northern portion of the Merriam Mountains range, a narrow 8.5-mile-long chain of low mountains generally running north-south with a variety of east-west trending ridgelines and scattered peaks. The property is primarily undeveloped with on-site topography composed mostly of hills and valleys dominated by rock (granodiorite) outcroppings with moderate to steeply sloping terrain, with elevations ranging from approximately 660 feet above mean sea level (AMSL) near the northwestern end to approximately 1,750 feet AMSL in the west central portion of the Project site. Various dirt roads and trails that provide access to each parcel and service roads for existing water infrastructure traverse the project site. An abandoned quarry is located in the northwest portion of the project site and an abandoned private landing strip is located in the north central portion. Surrounding land uses to the north, west, and south of the project site include large-lot, single-family residential development, agricultural uses and conserved open space.

The project site is also located within the NC-MSCP planning area, within Planning Unit 9 (San Marcos-Merriam Mountains Core Area) and the Pre-Approved Mitigation Area (PAMA) and represents one (Merriam Mountains) of only two remaining large blocks of natural habitat west of Interstate 15 in the PAMA. Vegetation on the project site consists of large blocks of Southern Mixed Chaparral with interspersed patches of

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Diegan Coastal Sage Scrub, Coast Live Oak Woodlands, and Southern Willow Scrub. The South Fork of Moosa Canyon also runs from the northern to northeastern area of the project site. In addition, the habitat evaluation mapping for the County's draft NC-MSCP plan indicates that habitats on and adjacent to the project site are "moderate", "high", and "very high" habitat quality, and areas to the north, south, east, and west are also identified as PAMA.

The Department offers the comments and recommendations in the enclosure to assist 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 (i.e. that it would not preclude the preserve assembly or prevent the achievement of the biological goals anticipated under the NC-MSCP Subregional Plan). We appreciate the opportunity to comment on this NOP and look forward to further coordination with the County on this Project. If you have questions regarding our letter, please contact Randy Rodriguez (858) 637-7111 or Randy.Rodriguez@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

Enclosure: (9 pages)

cc: State Clearinghouse, Sacramento
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ENCLOSURE

California Department of Fish and Wildlife Comments and Recommendations:
NOP for the DEIR for the
Newland Sierra Project

NOP Comments

1. To enable the Department to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, wildlife, and other biological resources, we recommend the following information be included in the DEIR:

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.

B. Analyses of a range of feasible alternatives to ensure that alternatives to the proposed Project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise minimize impacts to sensitive biological resources, particularly wetlands. Specific alternative locations should be evaluated in areas with lower resource sensitivity, where appropriate. For example, to provide for a larger, contiguous block of open space in the eastern and northern portion of the property, to minimize edge effects to onsite biological open space areas, and to maintain connectivity between on- and offsite areas designated for conservation, we recommend that the draft EIR include the following alternatives: 1) one that would remove the three easternmost development bubbles (i.e., areas identified by the County in a prior meeting as Towncenter, Terraces, and Hillside) and associated access roads; 2) another possible alternative to consider would remove the easterly half of the Mesa development area (located just northwest of Hillside) and the Terraces and Hillside areas (but retain the Towncenter area); and, 3) a third alternative that would move some of the development proposed in the central and eastern areas of the site to the old quarry locations (also see Comment No. 3).

C. A complete assessment of the flora and fauna within and adjacent to the project area; specifically, the DEIR should include:

- a) Discussions regarding the regional setting, pursuant to CEQA Guidelines, section 15125(c), with special emphasis on resources that are rare or unique to the region that would be affected by the Project. This discussion is critical to an assessment of environmental impacts.
- b) A current inventory of the biological resources (to include rare, threatened, and endangered, and other sensitive species) associated with each habitat type 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. 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.
- c) Discussions regarding seasonal variations in use of the project area and vicinity by sensitive species, and acceptable species-specific survey procedures as determined through consultation with the Wildlife Agencies. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

D. A thorough discussion of direct, indirect, and cumulative Project-related impacts expected to adversely affect biological resources. All facets of the Project should be included in this assessment. Specifically, the DEIR should include:

- a) Specific acreages and descriptions of the types of wetlands, coastal sage scrub, and other habitats that would potentially be affected by the proposed Project or project alternatives. Maps and tables should be used to summarize such information.
- b) Detailed discussions, including both qualitative and quantitative analyses, of potential direct effects on listed and other sensitive species (fish, wildlife, plants) and their habitats within the area of impact of the proposed and alternative projects.
- c) 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).
- d) Impacts to wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated.
- e) Discussions of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. 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.
- f) If applicable, a discussion of the effects of any Project-related dewatering or ground water extraction activities to the water table and the potential resulting impacts on the wetland/riparian habitat, if any, supported by the surface and groundwater.
- g) Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development Project and natural habitats.
- h) A cumulative effects analysis as described under CEQA Guidelines, section 15130, assessing the impacts of the proposed Project in conjunction with past, present, and anticipated future projects, relative to their impacts on native plant communities and wildlife.

E. A thorough discussion of mitigation measures for adverse Project-related impacts on sensitive plants, animals, and habitats. Specifically, the DEIR should include/address:

- a) Measures to fully avoid and otherwise protect Rare Natural Communities from Project-related impacts. The Wildlife Agencies consider these communities as threatened habitats having both regional and local significance.
- b) Where avoidance is infeasible, mitigation measures that emphasize minimization 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 (*e.g.*, it would 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. The Wildlife Agencies generally do not encourage the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown these efforts are experimental in nature and do not provide for the long-term viability of the target species.
- c) Mitigation measures to alleviate indirect Project-related impacts on biological resources, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.

- d) Where proposed grading or clearing is within 100 feet of proposed biological open space, or otherwise preserved sensitive habitats, a requirement for temporary fencing. Fencing should be placed on the impact side and should result in no vegetation loss within open space. All temporary fencing should be removed only after the conclusion of all grading, clearing, and construction activities.
- e) A requirement that a qualified biological monitor to be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor should have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions not in compliance with the permits and construction documents should be immediately brought to the attention of the Lead Agency and the Wildlife Agencies.
- f) Measures to protect, in perpetuity, the targeted habitat values of proposed preservation and/or restoration areas from direct and indirect negative impacts. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Permanent fencing should be installed between the impact area and biological open space and be designed to minimize intrusion into the sensitive habitats from humans and domestic animals, particularly cats. There should be no gates that would allow access between the development and biological open space. Additional issues that should be addressed include proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, etc.
- g) Development and implementation of a management and monitoring plan (MMP), including a funding commitment, for any on- and/or off-site biological open space easements, if applicable. An appropriate natural lands management organization, subject to approval by the County and Wildlife Agencies, should be identified. The MMP should outline biological resources on the site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts. A Property Analysis Record (PAR) or comparable method should be completed to determine the amount of funding needed for the perpetual management, maintenance, and monitoring of the biological conservation easement areas by the natural lands management organization. It should be demonstrated that the proposed funding mechanism would ensure that adequate funds would be available on an annual basis to implement the MMP. The natural lands management organization should submit a draft MMP, PAR results, and proposed funding mechanism to the Wildlife Agencies for review and approval prior to initiating construction activities; the final plan should be submitted to the Wildlife Agencies and the funds for implementing the MMP transferred within 90 days of receiving approval of the draft plan.

2. 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 (50 C.F.R. Section 10.13). 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.

3. The County and the Wildlife Agencies have met multiple times to discuss the proposed Newland-Sierra Project site, formerly known as Merriam Mountains, including the following dates: January 23rd, 2014; March 27th, 2014 (Site Visit); April 3rd, 2014; July 29th, 2014 (Site Visit); November 19th, 2014; and, most recently on February 19th, 2015. Based on our past meetings with the County, the Department has provided the following tenets that will guide any hardlined agreement negotiations for the Project:

- a) Though this is a new project, it is very similar to the Merriam Mountains project; however, all parties agree that it will be evaluated independent of the previous Merriam Mountains Project;
- b) Potential hardline discussion will be based on current conditions at the project site, in the North County Plan area, and in the County as a whole, as conditions have changed;
- c) A suite of species, not the coastal California gnatcatcher alone, is the driver for preservation at this location;
- d) The project should achieve a 25 percent development and 75 percent preservation ratio on-site to the maximum extent practicable; initial proposals only showed an approximate 60:40 ratio. For any portion of the 75 percent conservation that cannot be achieved on-site, the balance should be met by contributing land that adds value to the Merriam Mountains connection, preferably in the same NC-MSCP planning unit. Additional off-site conservation, if part of the proposal, should emphasize additional conservation of coastal sage scrub habitat. For example, at prior meetings, there were discussions about potentially acquiring excess Caltrans rights-of-ways along the easterly project boundary to enhance the proposed open space configuration and wildlife connections along the eastern border of the Project;
- e) The north-south habitat connectivity along I-15 is important for the NC Plan;
- f) Internal open space (e.g., block 3) is not acceptable for preservation credit;
- g) Removal of the northern access road to Lawrence Welk Court would improve preservation in the northern open space; however, there needs to be commitment by the County/Fire that a secondary access road would not be required at any time for the Project;
- h) Proposed trails need to be compatible with habitat preservation for wildlife.
- i) It must be demonstrated that restoration of the old quarry site can be achieved, considering the slope, soils and other factors in the area;
- j) Where vineyards are proposed in areas adjacent to proposed open space, best management practices that are effective and can be enforced should be included as part of any hardline agreement; and,
- k) Drought conditions have worsened and the site is old growth chaparral and prime for wildfire. The wildlife agencies need proof of fire district agreement or accepted Fire Protection Plan [also see 3.f)].

Based on our February 19th, 2015 meeting with the County, to ensure that the proposed project is consistent with the conservation goals of the draft NC-MSCP (see comment No. 4), we recommend that the DEIR fully analyze the following project alternatives: 1) an alternative that would remove the three easternmost development bubbles (i.e., areas identified by the County in a prior meeting as Towncenter, Terraces, and Hillside) and associated access roads; 2) an alternative that would be to remove the easterly half of the Mesa development area (located just northwest of Hillside) and the Terraces and Hillside areas (but retain the Towncenter area) to open up the easterly corridor and provide better connection along the northern and eastern portions of the property and to the south, while maximizing the conservation of coastal sage scrub; and, 3) an alternative that move some of the development proposed in the central and eastern areas of the site to the old quarry locations. The first two alternatives recommended for inclusion in the DEIR would substantially minimize project impacts to the draft PAMA, provide for a large, contiguous block of open space in the eastern and northern portion of the property, minimize edge effects to onsite biological open space areas, and maintain connectivity between on and offsite areas designated as draft PAMA within Planning Unit 9 and to other conservation efforts outside the NC-MSCP planning area. The last alternative would have the same benefits of the first two, but also conserve more coastal sage scrub and provide a better preserve design in the central area of the site while locating development in an existing disturbed area, closer

to access and eliminate the need to expend resources on restoration that may or may not be successful (see Comment No. 1).

4. As stated above, the proposed Project is located primarily within the PAMA, within the San Marcos-Merriam Mountains Core Area (Planning Unit 9) and is identified as a large block of habitat (typically 500 acres or more) that supports a viable population of multiple wildlife species and represents one of only two remaining large blocks of natural habitat west of Interstate 15 (I-15) in the PAMA. Site conditions and size currently facilitate the movement of small and larger mammals to traverse across to adjacent mostly undeveloped areas, such as the San Marcos Mountains located northwest of the project site. The draft NC-MSCP plan anticipates that approximately 75 percent of lands designated as PAMA would be conserved with 25 percent utilized for development and anticipates the following conservation goals for the San Marcos-Merriam Mountains Core Area (Planning Unit 9):

- a) Conserve oak woodlands, coastal sage scrub (particularly in Twin Oaks) to maintain populations and connectivity of coastal California gnatcatcher and other coastal sage scrub-dependent species, and chaparral on mafic or gabbro soils that support sensitive plant species, such as chaparral beargrass and Parry's tetracoccus, San Diego thornmint (particularly in San Marcos Mountains), or California adolphia;
- b) Ensure that a core community of coastal California gnatcatcher and other coastal sage scrub-dependent species remains in the coastal sage scrub block in Twin Oaks;
- c) Conserve the north-south connectivity of coastal California gnatcatcher habitat along I-15 between the Riverside County line and the City of Escondido. Maintain the east-west connectivity of natural habitats on either side of I-15 for dispersal of coastal sage scrub community birds;
- d) Conserve the riparian and upland habitats of Gopher Canyon Creek for water quality and sensitive species, such as southwestern pond turtle and least Bell's vireo; and,
- e) Ensure the San Diego thornmint population in the Palisades open space preserve is maintained and enhanced, if practicable.

Current project proposals have shown only about 60 percent conservation of lands designated as PAMA, which would not be consistent with the NC-MSCP reserve assembly targets and would fragment a core block of habitat that is planned to connect designated preserve areas with high value habitat within the NC-MSCP PAMA, including areas currently conserved to mitigate impacts to gnatcatchers and gnatcatcher habitat. Fragmentation reduces habitat quality and promotes increased levels of nest predation and brood parasitism, and ultimately, increased rates of local extinction (Wilcove 1985, Rolstad 1991, Saunders *et al.* 1991, Soulé *et al.* 1988). Connectivity among habitat reserve areas (i.e., connectivity among gnatcatcher habitat within the NC-MSCP PAMA) is essential for long-term maintenance of the viability of gnatcatcher in this area. Maintaining connectivity among these patches of gnatcatcher habitat serves to: (1) allow exchange of genetic material among populations; (2) allow recolonization of habitat patches from which gnatcatchers have been extirpated; and (3) allow relatively safe travel for gnatcatchers moving from one area to another. Fragmentation of habitat within core habitat areas and the narrowing of connections among blocks of remaining habitat for gnatcatchers are expected to reduce the function and value of these areas.

The DEIR should evaluate direct and indirect impacts the proposed development would have on the planned San Marcos-Merriam Mountains Core Area linkage and NC-MSCP planning unit goals, as well as north-south and east-west wildlife movement through/across the site (e.g., from open space Block 3 to other conserved areas on-site and designated PAMA off-site and from areas east of I-15, through the site and across Twin Oaks Valley/Deer Springs Road), including impacts to wildlife movement (including gnatcatchers, mammals and herpetofauna), loss of and fragmentation to habitat patches/blocks, corridor length/width, connectivity, etc.

5. The Department recommends a 100-foot buffer from the riparian habitat in the major drainage of Moosa Canyon Creek. This habitat is expected, either currently or in time, to support sensitive riparian species such as the endangered least Bell's vireo. We further recommend that any limited encroachment (necessitated by site topography) from on-site trails not approach any closer than 50-feet to riparian/wetland habitat. The DEIR should include a map showing the location of all proposed trails.

6. The current project description includes several parks and fuel modification zones within the open space acreage. Parks and fuel modification zones are considered fully impacted by the Wildlife Agencies and cannot be included in biological open space proposed for conservation to offset impacts to sensitive resources and must be mitigated appropriately. The DEIR should clearly differentiate between biological open space that would be used as mitigation to offset Project impacts (natural open space) and open space (i.e., parks and fuel modification zones) that would be routinely impacted.

7. The Section 10 of the CEQA Initial Study (Environmental Checklist Form) indicates that the Project would require issuance of a County Habitat Loss Permit (HLP, Ordinance Nos. 8365, 8380, 8608, 8846, 9457, and 9671), which implements the interim 4(d) rule of the federal Endangered Species Act and the state Natural Community Conservation Planning (NCCP) Process Guidelines for loss of coastal sage scrub habitat during preparation of a NCCP-HCP. To approve an interim habitat loss application, the local agency must make the following findings:

- a) The proposed habitat loss is consistent with the interim loss criteria in the Conservation Guidelines and with any subregional process if established by the subregion;
- b) The habitat loss does not cumulatively exceed the 5% guideline;
- c) The habitat loss will not preclude connectivity between areas of high habitat values;
- d) The habitat loss will not preclude or prevent the preparation of the subregional NCCP (e.g., the loss would not foreclose future reserve planning options;
- e) The habitat loss has been minimized and mitigated to the maximum extent practicable;
- f) The habitat loss will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild; and,
- g) The habitat loss is incidental to otherwise lawful activities.

The NC-MSCP Planning Agreement also establishes guidelines for interim projects while the Plan is being completed (Section 6.6, Interim Project Processing Interim Review Process and Exhibit B). The Interim Review guidelines identify that where a project will not affect CSS but will negatively affect (a) biological resources in areas mapped as "high value" and "very high value" based on the County's habitat evaluation models that utilize the best available information at the time, (b) areas mapped as "moderate" or "low" value that may be important for preserve assembly, and/or (c) proposed Covered Species or their habitat based on current biological surveys, the NCCP/4(d) findings shall be considered and preserve design principles shall be applied to the project including the following:

- a) On-site open space should provide a long-term biological benefit;
- b) On-site open space must protect habitat of equal or greater value as that being impacted. No isolated pockets of open space should be used for mitigation credit;
- c) Separate lots should be used whenever possible for on-site open space to help protect the biological value of the preserved areas;
- d) On-site open space shall contribute to regional conservation efforts;
- e) Open space design, to the extent known, should not reduce the biological diversity found on the site;
- f) Open space design shall maintain habitat connectivity between areas of high quality habitat;
- g) The most sensitive resources shall be protected to maximize long-term viability; and,
- h) Edge effects and habitat fragmentation shall be minimized by maximizing the surface area to perimeter ratio, preserving large blocks of contiguous open space. Edge effects shall be further

minimized by establishing buffers, providing fencing and/or permanent signs, and limiting trails and/or lighting.

The DEIR should include sufficient information and analysis to demonstrate how the project is consistent with the preliminary conservation objectives of the NC-MSCP (including the planning units goals for the San Marcos-Merriam Mountains Core Area, see Comment No. 4) and the Planning Agreement Exhibit B guidelines for interim projects and how it would meet the NCCP/4(d) findings required for the County to issue a HLP for impacts to coastal sage scrub (which are subject to Wildlife Agency approval).

8. The proposed Project is located adjacent to various lands that have been or are planned to be conserved for biological resources, including lands owned by the City of Oceanside located immediately to the north of the Project. The DEIR should evaluate the direct and cumulative effects that the proposed development would have on the adjacent existing and proposed conservation located in both jurisdictions. The analysis should include effects on these lands from the proposed Project, including direct and indirect impacts from: (a) increased public use of these open space areas from the Project's population; (b) lighting; (c) noise; (e) drainage; (f) landscaping and introducing vegetation, etc.

9. All plans for restoration/revegetation associated with the Project 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. The plan for restoring coastal sage scrub on 4.9 acres onsite and 4.7 acres offsite would require approval by the Wildlife Agencies as part of the federal/state authorization(s) for impacts to coastal sage scrub.

10. The Department is concerned about the potential direct and indirect effects to biological resources associated with the construction of pedestrian trails in areas proposed for designation as open space on site. We recommend that trails in open space be located to not bisect intact areas and instead be placed along the perimeter or edge of open space areas. The following information should be included in the DEIR regarding any proposed pedestrian trail: an aerial photograph with an overlay of the proposed alignment of the trail in relation to designated or proposed open space; specifications of the trail design; specification that the trail would be for hiking only; measures to avoid/minimize impacts related to hikers straying off-trail and/or trail use by unauthorized vehicles including bicycles; and a discussion of how the proposed location and use of the trail would be consistent with the County's draft NC-MSCP.

11. To increase potential habitat and functionality of on-site wildlife corridors, we recommend that any Project-graded slopes and fuel clearing areas requiring replanting be planted with compatible, low-fuel natives (e.g., cacti and other succulents) to minimize the potential for invasive species to spread into the proposed on-site mitigation/open space areas and into adjacent natural lands.

12. The County should ensure that all development-related landscaping proposed adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic species should be removed and replaced with native or non-invasive exotic species based on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" list that can be obtained from Cal-IPC's web site at <http://www.cal-ipc.org>. This list includes such species as pampas grass, fountain grass, myoporum, black locust, capeweed, tree of heaven, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas and water runoff from landscaped areas should be directed away from

the biological conservation easement area and contained and/or treated within the development footprint. The applicant should submit a draft list of species to be included in the landscaping to the Wildlife Agencies for approval at least 60 days prior to initiating Project impacts. Additionally, the applicant should also submit to the Agencies the final list of species to be included in the landscaping within 30 days of receiving approval of the draft list of species.

13. The NC-MSCP is still in-progress, and is expected to be completed in 2017. Until the NC-MSCP is completed and permit issued, 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) and (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.

14. The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the project applicant (or “entity”) must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. The project area supports aquatic, riparian, and wetland habitats. The DEIR should include a jurisdictional delineation of the creeks/drainages and their associated riparian habitats. The delineation should be conducted pursuant to the Service wetland definition adopted by the Department (Cowardin *et al.* 1979). Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. 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. As a Responsible Agency under CEQA, the Department may consider the City’s DEIR for the project. We recommend that all wetlands and watercourses on-site, whether ephemeral, intermittent or perennial, should be retained and provided with substantial setbacks to preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife and plant populations. Moreover, 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 an SAA.¹

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¹ A notification package for a SAA may be obtained by accessing the Department’s web site at www.wildlife.ca.gov/habcon/1600.

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