



DEPARTMENT OF FISH AND GAME

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South Coast Region
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May 27, 2008

Mr. Devon Muto, Project Manager
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

**Comments on the Notice of Preparation of a Draft Environmental Impact Report for
the County of San Diego General Plan Update (Log No. 02-ZA-001, SCH #2002111067)**

Dear Mr. Muto:

The California Department of Fish and Game (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the County of San Diego General Plan Update Draft Environmental Impact Report (DEIR), dated April 28, 2008. We have attached for your review the Department's prior correspondence that was prepared during the NOP phase of the County of San Diego's General Plan Update 2020. Our prior comments and concerns remain in affect for the current General Plan update. Additionally, the Department has the following supplemental comments for consideration as they pertain to the Natural Communities Conservation Plan (NCCP) process and its applicability to the General Plan update.

1. In terms of compatible land use and growth strategies to the development of the North and East County Multiple Species Conservation Program (MSCP) Subarea Plans, consideration should be given to maximizing inclusion of core biological resource areas and linkages in the design phase when evaluating the existing and futures land uses within or adjacent to the Multiple Habitat Planning Area (MHPA).
2. The County should maximize the inclusion of public lands/open space and lands already preserved for their biological resources.
3. The County should identify public acquisition of private lands with regional habitat value.
4. The intent of the General Plan update is to focus population capacity in the western portions of the County and reduce the potential for growth in the eastern areas. The update should discuss how this population focus would contribute to global warming and related impacts on species distribution and conservation within the County.
5. The General Plan update must demonstrate how it is consistent with the protection of habitat, natural communities and species diversity on a landscape or ecosystem level as set forth in the County's existing MSCP. This would include showing that the update would not affect protections for reserve systems and conservation in NCCP planning areas and that the proposed shift from a minimum lot size to density-based land use designation would not affect the rough proportionality between development impacts on habitat or covered species and conservation measures.

6. The General Plan update should acknowledge the County's open space network (including MSCP lands) as "green capital or infrastructure." This infrastructure is essential to the County's responsibility to balance the preservation of environmental resources with its obligation to meet the region's growth needs. The General Plan should include policy language that clearly defines and demonstrates adequate funding (aside from regional funding sources) will be ensured to carry out the Plan's "green infrastructure," including implementing the conservation actions and activities in adopted or planned NCCPs.
7. The General Plan update should accurately reflect the ongoing North and East County MSCP Planning efforts. The preserve boundaries and major policy issues from these plans (in-progress) should be consistently incorporated in the update. Important policy issues include, but are not limited to: the value of agricultural land for conservation; brush clearing; open space management; funding and land conveyance; trails; and, participant contributions to the preserve assembly. Additionally, the update should consistently identify open space activities and any restrictions consistent with adopted and planned NCCPs.
8. The General Plan update should take into account all proposed fuel modification zones and maintenance activities when planning conservation goals and habitat preserves, and acknowledge that these zones/activities should be undertaken outside the preserve boundaries. If such zones/activities have to occur in the preserve boundaries due to new fire regulations, then the General plan should identify a policy of no net habitat loss from fuel modification within preserve and require mitigation and/or a boundary line adjustment to fully replace the area of the Preserve that is being impacted.
9. The General Plan should incorporate the Pre-Approved Mitigation Area (PAMA) and related development limitations (e.g., 75% preservation) as the primary land use tool to implement conservation in the County's NCCP reserve areas. Land use density designations (e.g., 1/40 or 1/80 dwelling units per acre) should not be used to implement conservation in the MSCP, as these designations could still allow direct and indirect impacts to species and habitat through disturbance not associated with density per se (e.g., agriculture conversions, brush clearing, etc.).
10. Ensure that all public facilities identified in the General Plan (e.g., roads, parks, schools, etc.) are consistent with those identified in on-going NCCPs (e.g., North County and East County). For instance the General Plan update should limit water facility and other infrastructure deemed essential public facilities to areas outside of the preserve boundaries.
11. Emphasis should be directed at locating public use trails along the edges of urban lands uses adjacent to the proposed core lands and linkages and avoiding encroachment into sensitive habitats or defined wildlife movement areas. Furthermore, the General Plan update should make it an explicit policy that lands purchased and counted towards MSCP commitments cannot have a net increase in trails on-site; otherwise, any difference must be credited back or otherwise offset. This should also be incorporated into the County's Trails Master Plan. Last, the update should clearly define the relationship between population-based park standards and habitat-related conservation to ensure that appropriate restrictions are placed on MSCP lands and that they are managed accordingly.
12. As a major program in the County, the update should demonstrate how the NCCP is implemented across various departments to meet General Plan and MSCP goals/objectives, from project review to conveyance of land and perpetual management. A flow-chart showing these relationships would be helpful in this regard.

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13. The General Plan update should provide an update of the conservation status (gains, losses) within approved MSCP areas, as well as conservation levels expected from planned NCCPs (e.g., North and East County). An inventory of approved wetland mitigation banks should also be included in the update.

We appreciate the opportunity to comment on the NOP and to assist the County of San Diego in further minimizing and mitigating project impacts to biological resources. If you have questions or comments regarding this letter, please contact Paul Schlitt at (858) 637-5510 or Randy Rodriguez at (858) 637-7100.

Sincerely,



Edmund J. Pert
Regional Manager
South Coast Region

Enclosure (1) Comments on the Notice of Preparation of a Draft Environmental Impact Report
for the proposed General Plan Update 2020 (SCH# 2002111067)

cc: State Clearinghouse
David Zoutendyk, U.S. Fish and Wildlife Service
Paul Schlitt, Department of Fish and Game

EP:ps

DEPARTMENT OF FISH AND GAME

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December 16, 2002

Mr. Jason Giffen
San Diego County Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

**Comments on the Notice of Preparation of a Draft Environmental Impact Report
for the Proposed General Plan Update 2020 (SCH# 2002111067)**

Dear Mr. Giffen:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced notice of preparation (NOP), relative to impacts to biological resources. The Department is a Trustee Agency with jurisdiction over natural resources affected by the proposed project (Section 15386 of the California Environmental Quality Act, CEQA), and a Responsible Agency under CEQA Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq., CESA) and Fish and Game Code Section 1600 et seq. The Department also administers the Natural Community Conservation Planning Program (NCCP) as both a Trustee and Responsible Agency.

The proposed project is a comprehensive update of the San Diego County (County) General Plan. The updated General Plan would direct population growth balanced with infrastructure needs, development, and resource protection to the year 2020. More specifically, the proposed project would focus population capacity in the western portions of the County and reduce the potential for growth in the eastern areas. The objectives of this general population distribution are to: 1) facilitate efficient, orderly growth by containing development within areas proximate to existing infrastructure and services; 2) protect natural resources through the reduction of population capacity in sensitive areas; and 3) retain the character of communities within the unincorporated County. The draft Environmental Impact Report (DEIR) will focus on the secondary effects that can be expected to follow from adoption of the Comprehensive General Plan Update and will not be so detailed as an EIR on the specific construction projects that will follow.

The Department supports the project's intent to focus population capacity in the western portions of the County and reduce the potential for growth in the eastern areas. We offer the following comments and recommendations to assist the County in avoiding or minimizing potential impacts to the sensitive biological resources within and to the east of the existing and

proposed preservation areas of the Multiple Species Conservation Program (MSCP) Subarea Plans for the south and north County, respectively.

The NOP indicates that the DEIR for the proposed project will not be so detailed as an EIR on the specific construction projects that will follow. The Department recommends that the County prepare a Program EIR pursuant to Section 15168(a)(3) of the CEQA Guidelines. Program EIRs provide an occasion for more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action (Section 15168[b][1] of the CEQA Guidelines), and ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis (Section 15168[b][2] of the CEQA Guidelines). In addition, we recommend that the DEIR provide a level of detail sufficient to completely compare and contrast the potential biological impacts of the proposed project and all alternatives.

To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, wildlife, and sensitive habitats, we recommend the following information be included in the DEIR:

1. A complete discussion of the purpose and need for the proposed project.
2. A complete description of the proposed project and all project alternatives. This should include:
 - a. narrative, tables, and figures that clearly describe/depict the following for the proposed project and each project alternative (i.e., separate, but easily comparable, figures for the proposed project and each alternative): (i) the habitat types within the project area, (ii) the relative footprints of the various proposed land uses on the biological resources, and (iii) the projected distribution of the human population;
 - b. the text of any amendments or updates to existing ordinances (e.g., Resource Protection Ordinance), policies, or Specific Plans, etc., proposed to be components of the project;
 - c. a clear description of the methodology used to (a) replace the residential lot size requirements with the density-based approach, and (b) rezone to maintain consistency with the updated General Plan;
 - d. a thorough discussion of any modifications proposed to the Regional Trail Network;
 - e. a thorough discussion of how the proposed project and each alternative analyzed would focus population capacity in the western portions of the County and reduce the potential for growth in the eastern areas, and would meet the stated objectives of the project. This should include the specific mechanisms the County would use to restrict growth in the western portions of the County.

The descriptions and analyses of the alternatives should ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise reduce impacts to sensitive biological resources.¹ Because of the magnitude of the acreage involved and the many sensitive species and habitats that could be negatively affected or lost by the proposed project, the CEQA alternatives analysis for this project is extremely important. The Department is particularly interested in the DEIR describing "a range of reasonable alternatives to the project... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" [Section 15126.6 (a) of the CEQA Guidelines (emphases added)]. "The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making" (Section 15126.6 [f] of the CEQA Guidelines).

3. An identification of State or federally listed rare, threatened, endangered, or proposed candidate species, California Species-of-Special Concern and/or State Protected or Fully Protected species, and any locally unique species and sensitive habitats within the project's area of potential effect.
4. A complete discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. This should include:
 - a. Discussions regarding the regional setting, pursuant to the CEQA Guidelines, Section 15125(a), with special emphasis on resources that are rare or unique to the region that would be affected by the project. This should include comprehensive and geographically specific information on both terrestrial and aquatic (including groundwater) resources that are within the area of potential effect.² This discussion is critical to an assessment of environmental impacts.
 - b. Discussions regarding the anticipated impacts on sensitive species and habitats.
 - c. Discussions regarding potential indirect project impacts on biological resources, including resources on nearby public lands, open space, adjacent natural habitats, riparian and other aquatic ecosystems³, and any designated and/or proposed NCCP reserve lands (e.g., impacts on, and maintenance of, wildlife corridor/movement areas,

1 One of the basic purposes of CEQA is to "prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible" (CEQA Guidelines, Section 15002 (a)(3); emphasis added).

2 The information on the aquatic resources should be based on watersheds.

3 The Department has responsibility for the conservation of wetland and riparian habitats. It is the policy of the Department to discourage development in or conversion of wetlands. All wetlands and watercourses, whether 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.

including access to undisturbed habitats in adjacent areas⁴).

The NOP states that the DEIR would analyze "whether the project will: 1) substantially alter existing drainage patterns in a manner which would result in substantial erosion, siltation or flooding on- or off-site." The DEIR should define "substantially," and the definition should recognize that even small changes in drainage patterns can seriously degrade habitats. At about 10 to 25% imperviousness, the health of aquatic systems is severely degraded (May et al. 1997; Schueler 1994).

- d. An analysis of cumulative effects, as described under CEQA Guidelines, Section 15130.
 - e. An analysis of the effect that the project or any alternative may have on completion and implementation of regional and/or subregional conservation programs. Under Section 2800 through Section 2840 of the Fish and Game Code, the Department, through the NCCP program, is coordinating with local jurisdictions, landowners, and the Federal Government to preserve local and regional biological diversity. Coastal sage scrub is the first natural community to be planned for under the NCCP program. The Department recommends that the County ensure that the development of this and other proposed projects do not preclude long-term preserve planning options and that projects conform with other requirements of the NCCP program.
5. Mitigation policies and a set of objective criteria for meeting these policies. The DEIR should propose guidelines for mitigation measures to facilitate processing of discretionary projects within areas of the project footprint that are outside established habitat conservation plans.

Unless future projects are within areas covered by a habitat conservation plan, a CESA Permit (Section 2081 of the Fish and Game Code) or, if applicable, a Consistency Determination (Section 2080.1 of the Fish and Game Code), must be obtained if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit.⁵

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- 4 If necessary to ascertain the potential impacts on wildlife movement and to assist in determining appropriate measures to eliminate or minimize these impacts, the County should conduct a wildlife movement study(ies). The Department requests the opportunity to review the scope of work intended for any such study the County plans to conduct. If no such study is done, the DEIR should demonstrate that the information used for the impact analysis is adequate.
 - 5 Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of a 2081 permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a 2081 permit. For these reasons, the:
 - a. biological mitigation monitoring and reporting proposals should be of sufficient detail and

Mr. Jason Giffen
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Unless future projects are covered by a master streambed alteration agreement, they may require a Lake or Streambed Alteration Agreement (SAA). The Department has direct authority under Fish and Game Code Section 1600 *et. seq.* regarding any proposed activity that would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any river, stream, or lake. The Department's issuance of a SAA for a project that is subject to CEQA requires CEQA compliance actions by the Department as a Responsible Agency.

The Department appreciates the opportunity to comment on this NOP. Please contact Libby Lucas of the Department at (858) 467-4230 if you have any questions or comments concerning this letter.

Sincerely,



FOR William E. Tippets
Environmental Program Manager

Literature Cited

May, C.R., R. Horner, J. Karr, B. Mar, and E. Welsh. 1997. Effects of Urbanization on Small Streams in the Puget Sound Lowland Ecoregion. In: Watershed Protection Techniques, 2(4): 483-494.

Schueler, T. 1994. The Importance of Imperviousness. In: Watershed Protection Techniques, 1(3): 100-111.

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- requirements of a 2081 permit. For these reasons, the:
- a. biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit, and
 - b. a Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.