June 22, 2018

VIA EMAIL

Mr. Mark Wardlaw Planning & Development Services County of San Diego 5510 Overland Avenue, Suite 310 San Diego, CA 92123 12670 High Bluff Drive San Diego, California 92130 Tel: +1.858.523.5400 Fax: +1.858.523.5450

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Re: Newland Sierra (Log No. PDS2015-ER-15-08-001; SCH No. 2015021036,

Project Numbers: PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-

REZ-15-001, PDS2015-TM-5597, PDSXXXX-HLP-XXX) –

County's Role in Newland Sierra Project Approval

Dear Mr. Wardlaw:

As you are aware, we represent Golden Door Properties, LLC ("Golden Door"), a world-class resort and agricultural operation in rural Twin Oaks Valley. The Golden Door has restored farming and beekeeping, including replanting many new trees and orchards, on its property, and shares its products through a community Farm Stand and other worldwide retail operations. The Golden Door has raised many concerns with the County about the proposed Newland Sierra Project and the impacts of adding urban density the size of the City of Del Mar in our rural community.

We write today with concerns about the County's role in approving the Newland Sierra Project as a follow-up and supplemental comment to our prior correspondence, in particular our letter dated May 17, 2017 (Encl. 8).

Advocacy for the Newland Sierra Project

You have stated in the past that "PDS is not an advocate for or against the [Newland Sierra] Project, but acts as an independent regulatory capacity as the lead agency for the Project" (see Encl. 9); in particular, in your letter dated June 5, 2017, you stated that "[t]he County's role in communicating with other agencies does not include advocating or lobbying these agencies to approve projects" (*id.*). However, it appears clear from documents we have obtained that this is not at all the case.

We recently obtained documents as a result of a request under the Freedom of Information Act. These documents show that local agency experts were silenced after Newland Sierra proponents exerted political pressure on senior federal agency officials. (See Encl. 6.)

Documents we have obtained under the California Public Records Act show that County staff appears to have made a conscious effort to justify the inclusion of the Newland project as a "hardline" project in the draft North County MSCP, even as federal agency experts repeatedly expressed their concerns to County staff regarding making such a designation. (E.g., Encl. 4.)

Further, we are troubled by Jim Whalen's multiple conflicting roles in this matter, which appear to include serving as an advocate for Newland Sierra on biological issues, serving as a political lobbyist with federal officials on behalf of Newland Sierra and other building industry consultants, and serving as an "independent" consultant on biological issues for the County's environmental impact report process under the County's adopted CEOA Guidelines. (See Petition and Complaint in San Diego Superior Court Case No. 37-2018-00030460, ¶¶ 60-65.) Jim Whalen, President of J. Whalen Associates, Inc. has held himself out an "expert" on the MSCP and provided technical reports in support of at least one County environmental impact report. He also appears to be playing a role in the County staff's development of the County's proposed North County MSCP that is being circulated to other agencies. Yet, documents we have obtained reveal that Mr. Whalen is nearly simultaneously meeting with Congressional staff as a representative of "development industries who conveyed they were having difficulty obtaining permits from the U.S. Fish & Wildlife Service with respect to developments in and around [their] congressional district" (see Encl. 6). These same Congressional staff are then shown to inquire with the USFWS as to why these developments are having this "difficulty" obtaining certain permits. According to these documents, Mr. Whalen has also met several times with USFWS staff to convey a similar message.

We note that Mr. Whalen is not an approved consultant on the County's CEQA Consultants list, even though he has authored an "expert" report on the MSCP (i.e., a "biological resources" issue in support of a County EIR). In addition, the County CEQA Guidelines require that any consultant who provides a technical study or report in support of CEQA environmental review must enter into a memorandum of agreement that provides the County with rights to oversee, supervise, or otherwise exercise its independent judgment on the technical study or report. These MOUs also provide the County with access to supporting documentation, including emails, in furtherance of those purposes. To our knowledge, Mr. Whalen has not entered into a MOU for his work in support of the County's EIRs, and therefore it is inappropriate for Mr. Whalen's "expert" reports to be included as support for County EIRs. The County's failure to implement the clear requirements of the County CEQA Guidelines, as well as their active efforts to justify the inclusion of the Newland project in the draft North County MSCP outside of the public proceedings for MSCP, are in direct contravention to General Plan Policy COS-1.10, which states that the County must "[e]nsure an open, transparent, and inclusive decision-making process by involving the public throughout the course of planning and implementation of habitat conservation plans and resource management plans." (Encl. 11.)

Our ability to provide you more information on our concerns has been limited by the fact that the County's 60-day auto-deletion policy of public records applicable to development projects like Newland has meant that very few County staff documents concerning these matters have been preserved, despite past requests under the California Public Records Act and ongoing requests for information. Additionally, the County has taken the position that some consultants do not have to enter into CEQA consultant MOUs, even though such MOUs are required by the

County's CEQA Guidelines. These MOUs are critical because they ensure that documents regarding a project's environmental review are public records and are accessible to the County and the public. Thus, while we have been able to obtain documents from the U.S. Fish & Wildlife Service and the California Department of Transportation, we have so far been unable to obtain almost all the County documents. Without these County documents, it is impossible to discern to the extent to which Mr. Whalen was working for, coordinating with, or advocacting on behalf of County staff in his lobbying with the agencies and other federal officials. We would appreciate it if you would take appropriate steps to restore the deleted documents from any copies that exist in the applicant's files or the consultants' files, including County biologists and Mr. Whalen's files, now that he is a County CEQA consultant that has authored an "expert" report in support of and included in the Final EIR.

The Draft North County Multiple Species Conservation Plan (MSCP)

Although you have stated in the past that in order for the Newland Sierra project "to be included as a hardline within the approved Multiple Species Conservation Plan - North County Plan (Final Plan), the project footprint to be developed and the footprint to be preserved, *including any offsite mitigation areas, must be concurred upon by the Wildlife Agencies*, the project proponent, and the County," it is clear from documents we have obtained that there is currently no concurrence from the wildlife agencies. (Encl. 9 [emphasis added].)

These documents also clearly highlight the concerns of expert biologists regarding the Newland Sierra project – in particular, the assumption by the County and other proponents of the project that it is a "hardline" component of the draft North County Multiple Species Conservation Plan (MSCP). You have stated:

In conducting the preliminary conservation analysis, County biologists believe that the open space design and future preservation of the 1,209 acres of land that the Project proposes complements the anticipated preserve and Pre-Approved Mitigation Area for the Draft Plan. As a result, the Project has been included in the Draft Plan and, to be included in the Final Plan, the Wildlife Agencies must concur.

(Encl. 9 [emphasis added].) The documents we have obtained clearly show that the Wildlife Agencies do not concur with Newland Sierra in the "hardline" or with the mitigation chosen by the Project. (E.g., Encl. 1.) The documents also show that the County has yet to prepare or required to be prepared updated biological surveys of the property, including the site of the proposed new freeway interchange for the federally protected California gnatcatcher, even though such a survey has been requested by federal agencies reviewing the project. (See Encl. 5.)

In particular, these expert agency biologists noted that the inclusion of the Newland project as a "hardline" in the North County MSCP may actually doom the MSCP entirely. (E.g., Encls. 1, 4.) The unraveling of the North County MSCP would be a severe blow not only to the County but to development throughout North County. As expressed by FWS staff, "We are also concerned about how providing this hard line would impact the completion of the North County

MSCP. We are concerned that to continue to provide hardlines that we are reducing the incentive for completing the N. County Plan." (Encl. 1.)

Further, the expert agency biologists' concerns point to the need for a comprehensive cumulative impacts analysis of all the General Plan amendment projects in the North County and how they impact the North County MSCP. In other words, if the County's approval of over 10,000 units of housing in the unincorporated areas cripples the conservation goals of the MSCP, then it seems reasonably likely that the federal and state wildlife agencies will not approve any MSCP at all, which would damage both development and environmental conservation efforts in North County. (See Encls. 1, 4.) We urge the County to reconsider this self-destructive path and postpone consideration of the Newland project until these serious issues are resolved.

Finally, in these newly released documents, the federal agencies clearly requested updated gnatcatcher surveys, but Newland has chosen that it will not perform those surveys until next year. (Encl. 5.) Additional detail regarding this issue and others (including email correspondence received pursuant to the Freedom of Information Act) is set forth in the enclosures. In sum, the history of the project site has consistently shown the presence of gnatcatcher and its habitat, in particular at the southeast portion of the site near I-15 and Deer Springs Road. (Encl. 12.) It is important to note that the Newland project site is located in a critical location in northern San Diego County that, in its present form, allows it not only to serve as "core habitat" but also as a stepping stone between habitat patches north of Escondido, San Marcos, and Vista to the Merriam and San Marcos Mountains, Moosa Canyon, and the San Luis Rey River, in both the east-west and north-south directions. (Megan Jennings, Ph.D., Merriam Mountains Wildlife Connectivity Review at 1 (April 18, 2017); see also Final EIR at 2.4-94 ["For those projects located within or adjacent to the I-15 corridor, California gnatcatchers are of particular interest, because the associated habitats may serve as a conduit for longitudinal and occasional latitudinal movement around the freeway."].) As federal experts acknowledged, the Merriam Mountains area is a "core habitat area" (Encl. 4). These core habitat areas are particularly important for the protection and preservation of the California gnatcatcher. As noted in the U.S. Fish & Wildlife Service's 2010 "5-year Review: Summary and Evaluation" (at p. 32) "the NCCP/HCP process has established preserved areas in a core-and-linkage configuration. The core areas are large, unfragmented areas, while linkage areas are intended to provide continuous or 'stepping stone' corridors for gnatcatcher movement and dispersal. As a result, these areas help to ameliorate the effects associated with habitat fragmentation."

Given that the Newland project proposes to fragment this core habitat area, which will also disrupt its function as a linkage area between different parts of North County, having updated surveys is critical. Indeed, the official Coastal California Gnatcatcher Presence/Absence Survey Guidelines provide that surveys are only good for one year. (Encl. 13.) The Newland project's gnatcatcher surveys were conducted in 2013 and are therefore now 4 years out of date.

Federal agency experts also requested updated surveys for fairy shrimp. (Encl. 2.) But it does not appear that the County has conducted these surveys or required the applicant to conduct these surveys. Do the "County biologists" referred to in your June 5, 2017 letter agree that updated surveys need to be conducted? Have the County biologists identified replacement gnatcatcher nesting land and foraging areas necessary to compensate for the destruction of

gnatcatcher critical habitat required by the Newland project? We also note that new surveys are needed before the County may approve the project's exemption from the County's Resource Protection Ordinance, which is intended to protect sensitive resources just as gnatcatcher habitat. How can the County approve an exemption or recommend an "alternative resource plan" as a substitute for compliance with the RPO, if the County does not know the nature and extent of the gnatcatcher on the project site, including the full potential site for the interchange? If new surveys are not performed, therefore, it seems clear that the processing of Newland's EIR must be delayed until next year, when those surveys can be performed.

Thank you for your time and attention to our comments. Please do not hesitate to contact us should you have any questions or comments.

Best regards,

m

Taiga Takahashi of LATHAM & WATKINS LLP

Enclosures

Mark Wardlaw, County Planning and Development Services cc: Darin Neufeld, County Planning and Development Services Mark Slovick, County Planning and Development Services Ashley Smith, County Planning and Development Services Peter Eichar, County Planning and Development Services Crystal Benham, County Planning and Development Services William Witt, Esq., County Counsel William Pettingill, Esq., County Counsel Doug Hageman, Newland Sierra Paul Robinson, Hecht Solberg Robinson Goldberg & Bagley Mark Dillon, Gatzke Dillon & Balance Karen A. Goebel, USFWS Mendel Stewart, USFWS Gail K. Sevrens, CDFW Tom Kumura, Twin Oaks Valley Sponsor Group Chair Margarette Morgan, Bonsall Sponsor Group Chair Wayne Dauber, Hidden Meadows Sponsor Group Chair Dan Silver, Endangered Habitats League Laura Hunter, Wildlife and Habitat Conservation Coalition George Courser, Sierra Club San Diego Stephanie Saathoff, Clay Co. Denise Price, Clay Co. Christopher W. Garrett, Latham & Watkins

Kathy Van Ness, Golden Door

From: <u>Goebel, Karen</u>
To: <u>Stewart, Mendel</u>

Cc: Sobiech, Scott; Doreen Stadtlander; Wynn, Susan; Jane Hendron

Subject: Re: Newland Sierra request for meeting with Paul Souza

Date: Thursday, January 12, 2017 12:57:05 PM
Attachments: Newland Sierra Project 12 9 2016 (1).docx

Here are the bullets in case you can't find them. They were already provided to Mike Fris. If you want them changed into a formal briefing paper, I guess we can do that, but it would be nice if this will suffice.

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax

On Thu, Jan 12, 2017 at 12:52 PM, Goebel, Karen < karen_goebel@fws.gov > wrote:

I found the attachment. Also, I had already prepared bullets on this issue. Do we need to do more than that?

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax

On Thu, Jan 12, 2017 at 12:48 PM, Goebel, Karen < karen_goebel@fws.gov > wrote: If this is an assignment, please forward the Rita attachment.

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax On Thu, Jan 12, 2017 at 12:35 PM, Stewart, Mendel <mendel stewart@fws.gov> wrote: Karen, They are moving forward with setting up a meeting with Paul about Newland-Sierra. I suspect they will be wanting a briefing paper on this. <Mendel ----- Forwarded message -----From: steve@stevethompsonllc.com < steve@stevethompsonllc.com> Date: Thu, Jan 12, 2017 at 12:30 PM Subject: Newland Sierra request for meeting with Paul Souza To: "Mike Fris (Michael_Fris@fws.gov)" < Michael_Fris@fws.gov> Cc: Maya Kepner - American West Conservation < maya@americanwestconservation .com>, Paul Souza <paul_souza@fws.gov>, "Byers, Sherry" <sherry_byers@fws.gov>, "Mendel Stewart (Mendel_Stewart@fws.gov)" < Mendel_Stewart@fws.gov >, Rita Brandin <rbrandin@newlandco.com>, Michael McCollum <mccollum@mccollum.com>, "Evans, April" <april_evans@fws.gov>, "Wanda_Cantrell@fws.gov" < Wanda_Cantrell@fws.gov>, "steve@stevethompsonllc.com" < steve@stevethompsonllc.com> ***Maya Kepner for Steve Thompson*** Hi Mike: I cannot thank you enough for all the support and love my Dad has received from USFWSparticularly R8. Steve continues to make progress daily-and we anticipate he will undergo his next surgery on Jan 25th. I'm filling-in for Steve while he is recovering, and I'd like to see if we

can get this meeting scheduled soon. Sounds like the only conflicts for January on our end

January 9 through January 12th

January 16 through 18th

are:

Thanks for the help and leadership, Mike.

All the best, Maya Kepner for Steve Thompson Also- you can contact me directly at: <u>maya@americanwestconservation.com</u> (cc'd above) 916-600-2324 ---Original Message-----From: steve@stevethompsonllc.com [mailto:steve@stevethompsonllc.com] Sent: Friday, December 9, 2016 12:08 PM To: Michael Fris Cc: Paul Souza; Wanda Cantrell; Sherry Byers; Mendel Stewart; Rita Brandin; Michael McCollum; April Evans Subject: Re: Newland Sierra request for meeting with Paul Souza Ok Mike thanks we are anxious to get this solved so we can get some important work done on the ground Steve Thompson 916-600-5227 > -----Original Message-----> From: steve@stevethompsonllc.com [mailto:steve@stevethompsonllc.com] > Sent: Friday, December 09, 2016 10:51 AM > To: Mike Fris (Michael Fris@fws.gov) > Cc: Paul Souza; Wanda Cantrell@fws.gov; Byers, Sherry; Mendel Stewart > (Mendel Stewart@fws.gov); Rita Brandin; Michael McCollum > Subject: RE: Newland Sierra request for meeting with Paul Souza

>
> Mike,
>
> Sorry it has taken me so long to get back to all of you, all my fault.
> Been working really hard with Governor Brown and the water folks on
> solutions for both wildlife and people around the Delta. I have
> attached a summary file from Rita who has been working on this project
> for years and very frustrated, as it is easy to understand why. We
> need to resolve the major issues and get on with development of the property.
>
> We would like a 30 minute meeting with you and Paul to go over how we
> got to where we are and what solutions we need to work out with FWS.
> Mendel has been helpful but we believe we needs Paul's help to finish.
> A meeting as soon as possible would help all of us get on the right
> path to be successful for the landowner and the resources we all care about.
>
> Steve
> steve@stevethompsonllc.com
> 916-600-5227
>
>
>

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Mendel Stewart
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Field Supervisor
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
760-431-9440
mendel_stewart@fws.gov
http://www.fws.gov/carlsbad/

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Newland Sierra Project

- We do not agree that the background information and history recently provided by the project proponent accurately reflects Service efforts to resolve the outstanding issues.
- We do not see value in going point by point to correct the information, rather we present our concerns with the project as presently proposed.
- The Newland Sierra project lies within the boundaries of a regional NCCP/HCP in development by the County of San Diego.
- Under the 4(d) rule, projects that need to clear coastal sage scrub, which is the primary habitat for the gnatcatcher, may move forward with County and Wildlife Agency (Department and Service) approval as long as the project does not undermine the conservation goals of the regional plan.
- The Newland Sierra project fragments a large core area of habitat proposed under the North County Plan.
- Because it is unclear how the County will account for the loss of this core area, it is unclear how the project could gain approval under the draft North County Plan as we know it.
- The Wildlife Agencies could not come to agreement with the project proponent on the off-site mitigation because the acreage proposed for conservation was insufficient to offset the acreage lost to development from the Newland Sierra project within the pre-approved mitigation area or PAMA (i.e., the offsite mitigation proposed neither removed a development area from the PAMA or increased the area of preserve outside of the PAMA).
- The Newland Sierra Project as proposed results in a net loss in preserve acreage over what is anticipated for mitigation in the Draft North County Plan.
- The County did not present a logical method to make up for this loss in mitigation.
- The Newland Sierra Project proponents are not precluded by the Service from moving forward with their proposed project design for approval by the County.
- During the draft EIR phase, the Wildlife Agencies will have the opportunity to comment on the project design, including any initial request for 4(d) concurrence.
- Because no NCCP or ESA permits have been issued for the North County Plan, these comments represent recommendations to the County.
- We believe due consideration would be given to our concerns in accordance with the signed planning agreement between the County and the Wildlife Agencies for the North County Plan, and this is the primary concern of the project proponents.
- Strong public opposition to the project is likely based on prior efforts to get Board of Supervisor approval for almost the exact same development footprint.
- Should the County Board of Supervisors approve the project without fully addressing our concerns, including our potential objection to issuance of a 4(d) permit, the Service would need to evaluate the benefits to conservation of moving forward with the North County Plan.
- These discussions would not involve the Newland Sierra Project proponents, as their project would have already been approved by the County.

- The Newland Sierra project is but one large project currently undergoing review by the County in advance of completion of the North County Plan.
- By approving the Newland Sierra Project and others through the 4(d) rule without addressing inconsistencies with preserve assembly, the potential exists for the 4(d) rule to undermine the very process (i.e., regional NCCP/HCP development) it was aimed at supporting.

Rita Brandin

From: Stewart, Mendel <mendel_stewart@fws.gov>

Sent: Friday, January 15, 2016 5:45 PM

To: Rita Brandin

Cc: Ed Pert (EPert@dfg,ca.gov); Karen Goebel; Mark Wardlaw; Scott Sobiech

Subject: Re: FW: Follow Up from Telephone Discussion Yesterday -

Rita,

Your request for confirmation that no further offsite mitigation would be requested was because Karen had indicated in her 11/18/2015 email see excerpt below, that the Wildlife Agencies would need to determine whether additional offsite mitigation would be required if Newland Sierra entered into a <u>partnership</u>, where mitigation credit would be shared, to acquire the Morris Ranch property rather than purchase the property outright, where full credit would be given to the Newland Sierra property. You indicated in our 12/9 telephone conversation that Newland Sierra would not be willing to purchase additional acreage.

From our 11/18/2015 email:

"The Morris Ranch site is approximately 230 acres in size. Full conservation of the site by the Applicant would result in a 66/34 conservation to impact goal for the project and because of this area's importance to the draft North Count MSCP, the Wildlife Agencies would agree to a hard-line agreement even at this lower conservation to impact ratio. If the property was purchased in coordination with another entity, the Wildlife Agencies would need to determine the amount of additional offsite acreage that may or may not be needed for a hard-line agreement. We understand that any purchase at this site represents greater risk for the Applicant; however, this is the property that will bring the Applicant greatest support from the Wildlife Agencies, and its conservation could potentially gain support for the project from other conservation groups."

Below are our reasons for not going forward with hardline agreements:

- We don't believe the necessary quality conservation is designed on site. This includes not only acreage but also the conservation design. We cannot publicly defend what is being proposed as sound conservation meeting the intent of the proposed North County MSCP.
- We also don't believe the mitigation being proposed, even what would come from your partnership with Camp Pendleton for purchase of Morris Ranch, adequately make up for the on-site deficiencies.
- 3. We are also concerned about how providing this hardline would impact the completion of the North County MSCP. We are concerned that to continue to provide hardlines that we are reducing the incentive for completing the N. County Plan.

4. Finally, the time commitment required from the wildlife agencies and the county is not well spent. By continuing to address individual project requests for a hardline, we are just encouraging others in the future to make similar requests. It is in all of our best interests to put our efforts toward completing the plan.
I hope this helps clarify our position.
<mendel< td=""></mendel<>
On Tue, Jan 12, 2016 at 1:05 PM, Rita Brandin < rbrandin@newlandco.com > wrote:
Mendel:
I thought it important to document our conversation yesterday, and I've copied Ed on the communication since Gail was on the call as well.
As a follow up to the joint meeting in late November between the Agencies, the County and Newland, I had a call with you and Karen Goebel on 12/9 wherein we discussed the potential offsite acquisition of Morris Ranch, and I requested confirmation from both agencies that if I were able to jointly acquire Morris Ranch that no further mitigation requirements would be required in order to agree to a hard-line. I wanted this assurance before I started discussion with the contact Karen had given me from the Marine Corps.
Our call yesterday was for you to relay the mutual decision of both agencies that a hard-line will no longer be considered by either agency. This decision was arrived at during the joint meeting between both on 1/11/16. When I asked you why you were no longer willing to consider a hard-line even with the directed offsite acquisition, you indicated that the project design is an issue, that the plan doesn't offer enough acreage for conservation and that entering into a hard-line put the future of the North County MSCP at risk. You also indicated that the time commitment to work with individual applicants was not time well spent for the agencies, and that entering into a hard-line with Sierra would potentially open the door to other applicants wanting the same thing.
You indicated that you had communicated this to the County as well.

This is my understanding of our telephone call. I would appreciate your confirmation or corrections so that we have a record of our communication and the Agencies' decision.

Thank you,

Rita Brandin

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Mendel Stewart
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Field Supervisor
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
760-431-9440
mendel_stewart@fws.gov
http://www.fws.gov/carlsbad/

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Region 8 Twitter page: https://twitter.com/USFWSPacSWest

From: Wynn, Susan
To: Brock Ortega

Cc: <u>Mayer, David@Wildlife; Brian Grover; Michael McCollum; Rita Brandin; Shanti SPL Santulli;</u>

michelle.r.lynch@usace.army.mil; Vipul Joshi; Stacey Love (stacey love@fws.gov); Doreen Statdlander; Karen

Goebel; Mendel Stewart; Eichar, Peter (Peter.Eichar@sdcounty.ca.gov)

Subject: Re: Newland Sierra

Date: Thursday, January 19, 2017 8:25:18 AM

Thank you for your quick response - I did note that the mapped areas of ponding were in the open space - Given the amount of rain we have already had this year, there may be more ponding on site then was observed in previous years -

Please consider this email our approval for you to commence wet season surveys at this location according to the accepted survey guidelines for the listed large branchiopods, dated May 31, 2015, and pursuant to the conditions of your [respective] recovery permit[s].

Be aware that these surveys missed the first rains of the season therefore the results may be inconclusive. You will want to make sure you are able to substantiate any statements in your 90-day report by providing rain gauge and/or in-field observation information to demonstrate that you are meeting protocol requirements that: "Surveyors should visit sites after initial storm events to determine when known or potential listed large branchiopod habitat has become inundated. Appropriate habitat is considered to be inundated when it holds greater than 3 cm of standing water 24 hours after a rain event."

Please note that the LA County Natural History Museum encourages deposition of all collected fairy shrimp, not only listed species.

Please send your survey report (hard copy at minimum) to Stacey Love.

Thanks, Susan

Susan Wynn Fish and Wildlife Biologist 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008 (760) 431-9440 ext 216

On Wed, Jan 18, 2017 at 4:15 PM, Brock Ortega
 bortega@dudek.com> wrote:

Thank you Susan for your email.

As you have probably already noted, these locations are situated within planned open space. As described in our BTR and previously provided documents, we disclose that we found a single puddle with western spadefoot toad larvae within the northwestern quarry site. Additionally, we never found any other puddled areas within the project footprint.

Please find attached a request to sample the puddles onsite that we may identify the species. We hope that we may receive quick approval given the nature of this situation. In order to address

Mr. Mayer's concerns, we will also review the puddles for western spadefoot eggs, larvae, and adults.

Thank you for your quick review and consideration.

Best.

BROCK A. ORTEGA
PRINCIPAL/SENIOR WILDLIFE BIOLOGIST

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Compliance

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bortega@dudek.com

WWW.DUDEK.COM

From: Mayer, David@Wildlife [mailto:David.Mayer@wildlife.ca.gov]

Sent: Wednesday, January 18, 2017 3:42 PM

To: Wynn, Susan; Brian Grover; Brock Ortega; Michael McCollum; Rita Brandin; Shanti SPL Santulli;

michelle.r.lynch@usace.army.mil; Vipul Joshi

Cc: Doreen Statdlander; Karen Goebel; Mendel Stewart; Eichar, Peter (Peter. Eichar@sdcounty.ca.gov)

Subject: RE: Newland Sierra

It seems any pools should be investigated for spadefoot toad tadpoles as well.

David A. Mayer

Senior Environmental Scientist

South Coast Region

California Department of Fish and Wildlife

3883 Ruffin Road

San Diego, California 92123

858-467-4234

858-467-4239 (fax)

David.Mayer@Wildlife.ca.gov

Every Californian should conserve water. Find out how at:



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From: Wynn, Susan [mailto:susan wynn@fws.gov] Sent: Wednesday, January 18, 2017 3:03 PM

To: Brian Grover; Brock Ortega; Michael McCollum; Rita Brandin; Shanti SPL Santulli;

michelle.r.lynch@usace.army.mil; Vipul Joshi

Cc: Doreen Statdlander; Karen Goebel; Mendel Stewart; Mayer, David@Wildlife

Subject: Newland Sierra

Hello all - We received a call from a concerned citizen regarding potential vernal pools on the Newland Sierra project site. I've attached a map and a couple of the photos that were sent over - As you can see from the close up photo of one of the ponded areas, there appears to be fairy shrimp. I can not identify which species this is from a photograph - I'm guessing it is either the un-listed versatile fairy shrimp (Branchinect lindahli) or the federally endangered San Diego fairy shrimp (B. sandiegonensis) based on what has been

observed to date in other areas, but this would need to be confirmed by a permitted biologist in the field. I do not recall any mention of potential vernal pools in the previous documents and have not had time to pull the file to check. I also do not recall whether any ponding was mapped as part of a wetland delineation for the Corps. I will continue to pass on any info I receive - given that fairy shrimp are out and there appears to be ponding on the site, we recommend that you have a permitted biologist survey the site for fairy shrimp. I am not sure which staff at the County is working on this project so please coordinate with them as appropriate.

Susan

Susan Wynn

Fish and Wildlife Biologist

2177 Salk Avenue, Suite 250

Carlsbad, CA 92008

(760) 431-9440 ext 216

Project Study Report-Project Development Support (PSR-PDS)

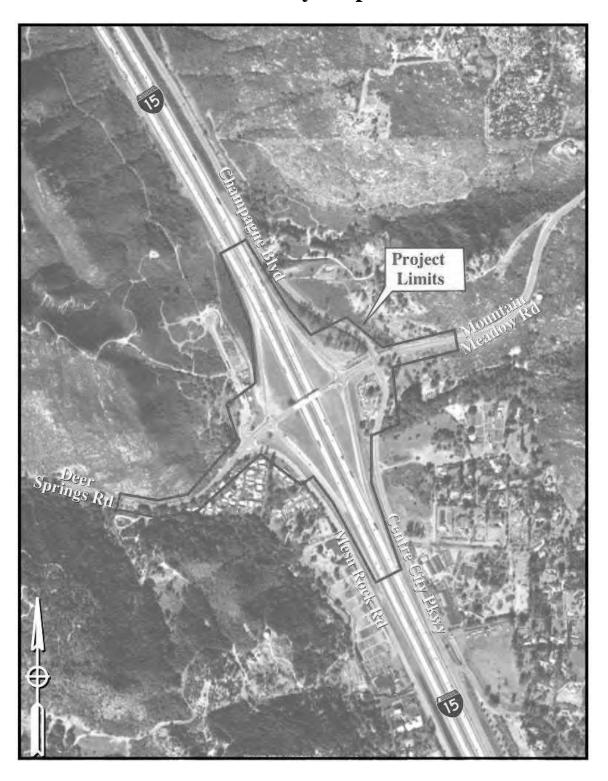
To

Request Scope Approval of Projects-funded-by-others

In San Diego County near Escondido on Interstate 15 from 0.6 Mile South to 0.6 Mile North of Deer Springs Road Overcrossing

APPROVAL	RECOMMENDED:		
		RITA BRANDIN, PROJ Risks Identified in this PSR-PDS	ECT SPONSOR, Accepts and Attached Risk Register
APPROVAL	RECOMMENDED:		
		ISMAEL SALAZAR, CALTR	ANS PROJECT MANAGER
APPROVED:			
	TOM BOUQUIN, DIST	TRICT DIRECTOR DESIGN	DATE
	JOE HULL, <i>DISTI</i>	RICT DIRECTOR PPM	

Vicinity Map



This project study report-project development support has been prepared under the direction of the following registered civil engineer. The registered civil engineer attests to the technical information contained herein and the engineering data upon which recommendations, conclusions, and decisions are based.

REGISTERED CIVIL ENGINEER DATE



Table of Contents

1.	Introduction	1
2.	Background	1
3.	Purpose and Need	2
4.	Traffic Engineering Performance Assessment	3
5.	Deficiencies	4
6.	Corridor and System Coordination	4
7.	Alternatives	6
8.	Right-of-Way	9
9.	Stakeholder Involvement	9
10.	Environmental Determination/Document	9
11.	Funding	10
12.	Schedule	10
13.	Risks	11
14.	FHWA Coordination	11
15.	Project Reviews	11
16.	Project Personnel	11
17.	Attachments	13

1. INTRODUCTION

Project Description:

The Newland Real Estate Group, LLC, in cooperation with the California Department of Transportation (Caltrans) and the County of San Diego, has initiated this Project Study Report-Project Development Support (PSR-PDS) to evaluate alternatives to increase capacity, improve mobility, and relieve congestion for the existing Interstate 15 (I-15) and Deer Springs Road interchange.

A summary of relevant project data is shown in the following table:

Project Limits	11 – SD – 15 – PM R36.0/R37.2	
Number of Alternatives	4	
Current Capital Outlay	\$700,000 to \$1,000,000	
Support Estimate for PA&ED		
Current Capital Outlay	\$13,500,000 to \$20,200,000	
Construction Cost Range		
Current Capital Outlay Right-	\$100,000 to \$500,000	
of-Way Cost Range		
Funding Source	Private and other	
Type of Facility	Freeway interchange	
Number of Structures	1	
Anticipated Environmental	Mitigated Negative Declaration (MND)/	
Determination or Document	Finding of No Significant Impact (FONSI)	
Legal Description	In San Diego County near Escondido on	
	Interstate 15 from 0.6 Mile South to 0.6 Mile	
	North of Deer Springs Road Overcrossing	
Project Development Category	3	

The remaining capital outlay support, right-of-way, and construction components of the project are preliminary estimates and are not suitable for budgetary purposes. A project report will serve as approval of the "selected" alternative and the remaining components of the project.

Other approvals required are:

- Federal Highway Administration (FHWA)
- County of San Diego

2. BACKGROUND

Improvements to the existing I-15 and Deer Springs Road interchange are a requirement of the proposed Sierra Project, which is currently under environmental review with the County of San Diego Planning Department. The Sierra Project is a

proposed community subdivision on 1,985-acres located west of I-15 and north of Deer Springs Road.

Interstate 15 is a major traffic corridor that originates near downtown San Diego and continues north to the United States border with Canada. The intersecting Deer Springs Road is currently an east-west two-lane county roadway between I-15 and Twin Oaks Valley Road. It serves the local communities of Hidden Meadows and San Marcos, while also acting as a link for traffic traveling between I-15 and State Route 78. It has been determined that the congestion along State Route 78 contributes to a significant amount of traffic traveling along this link through the project limits. The existing I-15 and Deer Springs Road interchange is a diamond configuration with single-lane on and off ramps. The interchange consists of two signalized freeway ramp intersections and has two nearby signalized local roadway intersections, which include the Deer Springs Road and Mesa Rock Road intersection, and the Mountain Meadow Road and Champagne Boulevard intersection.

3. PURPOSE AND NEED

Purpose:

The purpose of the proposed project is to plan for the projected regional population growth and increase in traffic demands at the existing I-15 and Deer Springs Road interchange for the planning design year 2040. The project proposes to widen and reconfigure the interchange to improve traffic operations and enhance transportation choices. The objectives of the project are to:

- Support anticipated regional growth and proposed local-area projects;
- Relieve congestion by providing sufficient vehicle capacity through the interchange area;
- Manage east-west travel between local communities;
- Enhance multi-modal choices;
- Improve the existing park and ride facility to provide transit connectivity; and
- Minimize environmental impacts.

Need:

The project area is located within San Diego County near Escondido, along a segment of Interstate 15 (I-15). I-15 is a major traffic corridor that serves the local communities of Hidden Meadows and City of San Marcos, while also acting as a link for traffic travelling to and from I-15 to and from State Route (SR) 78. The intersecting Deer Springs Road is classified as a 6-Lane Prime Arterial in the County of San Diego Mobility Element and is currently built as a two-lane facility between I-15 and Twin Oaks Valley Road. Based on growth forecasts prepared by the San Diego Association of Governments, the county's unincorporated areas, which encompass the project area, are expected to see an overall population growth of approximately 25 percent between 2015 and 2050. To accommodate this growth and

future capacity needs within the corridor, the interchange will require additional capacity. Regional growth coupled with the approved site developments in the immediate vicinity will result in increased volumes through the interchange by 2040 of about 25-40%, depending on the road segment. In addition to the projected traffic demands, the I-15/Deer Springs interchange is currently experiencing severe traffic congestion. Existing deficiencies of the I-15/Deer Springs interchange are summarized below:

- Three out of four I-15/Deer Springs interchange intersections are operating near or over the design capacity during peak period traffic volumes;
- Intersection delays of up to 45 seconds;
- High volumes of single occupancy vehicle travel, necessitating improved access to carpools, vanpools, and public transportation choices via existing park and ride facilities within the project area.

4. TRAFFIC ENGINEERING PERFORMANCE ASSESSMENT

A Traffic Engineering Performance Assessment (TEPA) was prepared in support of this PSR-PDS, which is included as Attachment I. The relevant findings and recommendations are included below for each build alternative. Prior to preparing the TEPA, a traffic modeling report was completed and approved by Caltrans and the County of San Diego. During the PA&ED phase, a full traffic study will be completed to confirm the anticipated traffic volumes and operations for each of the alternatives. Refer to Section 7 below for a description of each alternative.

The existing nonstandard intersection spacing between the Mesa Rock Road intersection and the southbound I-15 ramp termini negatively impact traffic operations in this area. Considering this, the existing north leg of the Mesa Rock Road intersection, which is proposed to be used as the main entrance for the Sierra Project, has been positioned as far west as possible for each of the build alternatives. Due to geometric, socio-economic, and other environmental constraints as described in the PEAR, this intersection cannot be positioned any further west. Also, the south leg of the Mesa Rock Road intersection cannot be moved due to existing development. In addition, the southbound I-15 ramp termini have been positioned as far east as possible for each of the alternatives in order to maximize the distance between these intersections and optimize the overall traffic operations for this area.

Alternative 1

The No Build Alternative does not improve the existing operational conditions, and it is anticipated to operate at an unacceptable Level of Service (LOS) F for the design year traffic volumes.

Alternative 2

The proposed diamond interchange alternative is anticipated to operate at an acceptable LOS D or better for the design year traffic volumes. The queuing analysis indicates that the available intersection spacing between Mesa Rock Road and the I-15 ramp termini does not accommodate the estimated queue along westbound Deer Springs Road at Mesa Rock Road during the anticipated peak hour volumes. It is anticipated that adding a northbound loop off-ramp will improve the operations of the northbound ramp intersection during the PM peak hour. It is recommended that the feasibility of adding this loop ramp should be evaluated during the PA&ED phase.

Alternative 3

The proposed diverging diamond interchange alternative is anticipated to operate at an acceptable LOS D or better for the design year traffic volumes. The queuing analysis indicates adequate spacing between intersections.

Alternative 4

The proposed roundabout interchange alternative is anticipated to operate at an acceptable LOS D or better for the design year traffic volumes. However, due to recent and pending changes to standards and software used to analyze the capacity of roundabouts, it is anticipated that further analysis of this alternative will be required during the PA&ED phase to fully assess its traffic performance per the required Intersection Control Evaluation (ICE) process. As such, the Project Development Team (PDT) determined that this alternative should remain in the PSR-PDS.

5. DEFICIENCIES

The existing I-15 and Deer Springs Road interchange is currently experiencing operational problems and is operating near or over its design capacity during peak period traffic volumes. Congestion delay exists along the southbound off-ramp during the AM peak period and the northbound on-ramp during the PM peak period. This is primarily due to the congestion delay along the Route 78 corridor, which causes the traffic to take this alternative Deer Springs Road route during the high peak period traffic volumes. In addition, the existing intersection spacing adjacent to the ramp termini does not accommodate the traffic queues along Deer Springs Road. Vehicle hours of delay, average speeds, travel times, and other traffic performance measures will continue to deteriorate as growth increases in the surrounding areas.

6. CORRIDOR AND SYSTEM COORDINATION

The proposed project improvements for each of the build alternatives have been compared against the 2050 Regional Transportation Plan (RTP) for San Diego.

Based on the revenue constrained plan, I-15 would be widened to include 4 toll lanes (2 northbound and 2 southbound) located within the existing I-15 median from State Route 78 to Riverside County. The proposed project improvements would not impact the implementation of the additional toll lanes. Also, the widened Deer Springs Road overcrossing would be designed to accommodate the expected I-15 freeway cross section. Based on the revenue unconstrained plan, I-15 would be widened to include the same configuration as the revenue constrained plan.

The southbound direction of I-15 is located along the Extra Legal Load Network (ELLN), which requires a minimum vertical clearance of 20 ft. The existing Deer Springs Road Overcrossing currently has less than this requirement with 17.8 ft of vertical clearance. Vehicles requiring the additional clearance currently bypass the Deer Springs Road Overcrossing by exiting the freeway via the southbound off-ramp and then re-entering via the southbound on-ramp. ELLN clearances will be addressed in the proposed project via a similar travel pattern exiting and entering the mainline.

Deer Springs Road is classified as a 6-lane prime arterial in the San Diego County Mobility Element. An option being analyzed in the traffic study assumes Deer Springs Road as a 4.1A Major Road except for the portion between Sarver Lane and Mesa Rock Road which would be built as a 2.1B Community Collector segment with a continuous turn lane between Sarver Lane and Mesa Rock Road. Under this option, fewer vehicles will utilize Deer Springs Road in this option, since the roadway cross section of Deer Springs Road will be narrower than that in the General Plan Mobility Element. The narrower cross section is also supported by SANDAG for improved pedestrian and bicycle safety. Therefore, multiple variations of Deer Springs Road will be analyzed in the Traffic Operations Report during the PA&ED phase. In coordination with the County of San Diego, the project proposes to construct a narrower configuration of Deer Springs Road compared to the County Mobility Element, which is based on the findings of this report.

Improvements to the existing I-15 and Deer Springs Road interchange are currently not identified in the Regional Transportation Improvement Program (RTIP) for San Diego or the San Diego County General Plan. However, the proposed project improvements to the interchange support the proposed Sierra Project improvements, which is a private development located west of I-15 and north of Deer Springs Road.

The County of San Diego Bicycle Transportation Plan classifies Deer Springs Road as a Priority 3 proposed Class III bikeway. Priority 3 proposed bikeways are not included in the County Circulation Element map. The County Bicycle Transportation Plan proposes to incorporate bicycle parking, bicycle racks, and lockers at both of the existing County park-and-ride lots located within the project limits. Deer Springs Road is currently not identified in the 2050 San Diego Regional Bike Plan.

The project will coordinate with the SANDAG Transportation Demand Management (TDM) program iCommute to ensure the project is aligned with any TDM elements being considered in the project area.

7. ALTERNATIVES

In the development of the alternatives for the PSR-PDS and as part of the Intersection Control Evaluation (ICE) process, the PDT conducted an alternatives screening process through a series of workshops. During this screening process, the PDT determined weighted evaluation criteria along with a range of potential alternatives. The weighted evaluation criteria were then used to compare and rank each of the potential alternatives. As a result of this screening process, it was decided to eliminate the single point interchange (SPI) configuration, hook ramp interchange configuration, and a 6-leg roundabout configuration from further evaluation.

Each of the build alternatives propose to expand upon the western park-and-ride lot and maintain the size of the eastern park-and-ride lot that are located within the project limits, which will include features to encourage future bicycle and pedestrian traffic. The build alternatives will also consider the potential for multi-modal transit options that would be integrated with the proposed park-and-ride lots and the adjacent ramp termini, which will provide suitable bicycle and pedestrian connectivity.

The San Diego Bicycle Transportation Plan indicates a Class III bikeway within the project limits, however, a Class II bikeway will be considered between Mesa Rock Road and Champagne Boulevard for this project due to the volume of bicycle traffic indicated by crowdsource GPS information. During the PA&ED phase, the bicycle and pedestrian facilities will be further evaluated to optimize mobility, functionality, and safety for each of the build alternatives.

There are four alternatives identified in this report, which include the No Build Alternative.

Alternative 1

This alternative is the No Build Alternative. The existing I-15 and Deer Springs Road interchange would remain unchanged and no work would be provided to improve operational conditions. The No Build Alternative does not meet the goals of this project to relieve congestion and is inconsistent with the purpose and need.

Alternative 2

This alternative proposes to expand upon the existing diamond interchange configuration in order to improve operational conditions (see Attachment B). This alternative will require nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection, and between the northbound ramp termini and the Champagne Boulevard/Deer Springs Road intersection. It proposes to realign the southbound ramps further east in order to improve upon the existing nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection. Realigning

these ramps would likely require retaining walls along the southbound off-ramp and on-ramp. It is anticipated that adding a northbound loop on-ramp or off-ramp will improve the operations of the northbound ramp intersection during the PM peak hour. It is recommended that the feasibility of adding a loop ramp should be evaluated during the PA&ED phase. This alternative also proposes to widen Deer Springs Road to meet the increased traffic demand and will require the existing Deer Springs Road Overcrossing to be widened. It proposes to maintain the existing ELLN bypass of the Deer Springs Road Overcrossing via the southbound on and off-ramps.

Alternative 3

This alternative proposes to reconfigure the existing interchange into a diverging diamond interchange (DDI) configuration in order to improve operational conditions (see Attachment B). The proposed geometry follows the informational guide published by FHWA in August of 2014, which features a conventional 25 mph design speed and a 45 degree intersection angle at the points where the two directions of traffic cross each other. This alternative also proposes to widen Deer Springs Road to meet the increased traffic demand and will require the existing Deer Springs Road Overcrossing to be widened. It proposes to maintain the existing ELLN bypass of the Deer Springs Road Overcrossing via the southbound on and off-ramps utilizing a median opening for the ELLN vehicles to cross Deer Springs Road. This median opening would include several design features to keep other traffic from using it, such as a gate located within the opening, traversable concrete curb, chevron striping along the widened ramp shoulders, landscaping to block the view of the southbound onramp, and the geometric alignment of the median opening. This alternative may require a design exception for nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection, and between the northbound ramp termini and the Champagne Boulevard/Deer Springs Road intersection. It may also require a design exception for the conventional design speed of 25 mph required for DDI interchange configurations.

Alternative 4

This alternative proposes to utilize the existing diamond configuration with roundabout intersections for the southbound and northbound ramp termini and for both of the adjacent local intersections along Deer Springs Road (see Attachment B). This alternative also proposes to widen Deer Springs Road to meet the increased traffic demand and will require the existing Deer Springs Road Overcrossing to be widened. It proposes to maintain the existing ELLN bypass of the Deer Springs Road Overcrossing via the southbound on and off-ramps utilizing a roundabout that the ELLN vehicles can navigate through. This alternative will require nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection, and between the northbound ramp termini and the Champagne Boulevard/Deer Springs Road intersection. It may also require a design exception for the conventional design speed of 25 mph required for roundabout intersections.

	Design Standards Risk Assessment			
Alternative	Design Standard from Highway Design Manual Tables 82.1A & 82.1B	Probability of Design Exception Approval (None, Low, Medium, High,)	Justification for Probability Rating	
2	^M Distance Between Ramp Intersection and Local Road Intersection	Low	The nonstandard intersection spacing presents a traffic queuing issue for this alternative, while Alternative 3 and Alternative 4 do not. Although the intersection spacing is an improvement over the existing condition, it has less intersection spacing than Alternative 3. Further, the nonstandard spacing for Alternative 4 does not affect traffic operations due to its configuration type.	
3	MDistance Between Ramp Intersection and Local Road Intersection	High	This alternative provides the most intersection spacing of all the alternatives and does not present any traffic operation issues.	
3	^M Selection of Design Speed - Local Facilities - with Connections to State Facilities	High	The conventional design speed required for all DDI interchanges is less than the minimum speed. Therefore, this standard does not apply to or consider this type of interchange configuration. The proposed design speed would also be safer for pedestrians and bicyclists.	
4	MDistance Between Ramp Intersection and Local Road Intersection	High	The nonstandard intersection spacing for this alternative does not affect traffic operations due to its configuration type.	
4	MSelection of Design Speed - Local Facilities - with Connections to State Facilities	High	The conventional design speed required for all roundabout intersections is less than the minimum speed. Therefore, this standard does not apply to or consider this type of interchange configuration. The proposed design speed would also be safer for pedestrians and bicyclists.	
4	^A Median Width	High	The minimum standard for median width is intended for facilities that may require future left turn lanes. Interchange configurations with roundabouts do not require left turn lanes or any other design feature that would require a median. Therefore, this standard does not apply to or consider this interchange configuration.	

M = Mandatory, A = Advisory

8. RIGHT-OF-WAY

Most, if not all, of the work will be located within the existing right-of-way limits. It is anticipated that some small partial property acquisitions may be required for some of the alternatives. It is anticipated that the existing freeway access control limits may require modification in order to relinquish the area necessary for the proposed park-and-ride expansion. In addition, a few temporary construction easements will be required from the various parcels adjacent to the project. For additional information, refer to the findings included in the Conceptual Cost Estimate – Right-of-Way Component, which is included as Attachment F.

Utilities:

There are existing utilities located along Deer Springs Road and the local intersecting roadways, which include sewer, water, gas, electrical, and telecommunication facilities. The following utility companies or agencies have been identified as owners of the various utilities located within the project area: AT&T, County of San Diego, Cox Communications, Level 3 Communications, SDG&E, San Diego County Water Authority, Valley Center Municipal Water District, and Vallecitos Water District. Minor impacts to these facilities are anticipated and will be further evaluated during the PA&ED phase.

Railroad:

There are no railroad facilities located within the project study limits.

9. STAKEHOLDER INVOLVEMENT

Local agency representatives from the County of San Diego have been involved in the development of the alternatives during PDT meetings and project workshops. Coordination with representatives from the San Diego Association of Governments (SANDAG), the North County Transit District (NCTD), and the Riverside Transit Authority (RTA) has taken place to determine their involvement and to identify if any potential project features could be incorporated based on their interests. As the owner and operator of the State Highway System, Caltrans has provided independent quality assurance of this document. Future stakeholder outreach will be determined by the PDT and the opportunity for public meetings will be organized during the PA&ED phase.

10. ENVIRONMENTAL DETERMINATION/DOCUMENT

In order to identify environmental issues, constraints, costs and resource needs, a Preliminary Environmental Analysis Report (PEAR) was prepared in support of this PSR-PDS, which is included as Attachment D.

The project would require the preparation of environmental documentation pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). It is anticipated that an Initial Study (IS) with proposed Negative Declaration (ND) or Mitigated ND and a Routine Environmental Assessment with proposed Finding of No Significant Impact will be required for this project.

11. FUNDING

The proposed interchange project will be privately funded at some point after the County approves the proposed Sierra Development Project. As the project continues to develop, additional funding sources will be explored. Up to this point, it has been determined that this project is not eligible for Federal-aid funding and SANDAG currently does not have any planned funding for interchange improvements.

Capital Outlay Project Estimate

	Range of	Estimate	STIP	Funds	Other	Funds
	Construction	Right-of- Way	Construction	Right-of- Way	Construction	Right-of- Way
Alternative 1	\$0	\$0	\$0	\$0	\$0	\$0
Alternative 2	\$20.2M	\$0.1 - \$0.5M	\$0	\$0	\$20.2M	\$0.1 - \$0.5M
Alternative 3	\$15.8M	\$0.1 - \$0.5M	\$0	\$0	\$15.8M	\$0.1 - \$0.5M
Alternative 4	\$13.5M	\$0.1 - \$0.5M	\$0	\$0	\$13.5M	\$0.1 - \$0.5M

The level of detail available to develop these capital outlay project estimates is only accurate to within the above ranges and is useful for long-range planning purposes only. The capital outlay project estimates should not be used to program or commit capital outlay funds.

Capital Outlay Support Estimate

Capital outlay support estimate for programming PA&ED for this project is estimated to be: \$700,000 to \$1,000,000

12. SCHEDULE

Project Milestones	Scheduled Delivery Date	
BEGIN ENVIRONMENTAL	M020	August 2015
CIRCULATE DED EXTERNALLY	M120	April 2016
PA & ED	M200	January 2017

The anticipated funding fiscal year for construction is 2019.

13. RISKS

A Risk Register was completed for this project; see Attachment G.

14. FHWA COORDINATION

This project is considered to be a High Profile Project (HPP) in accordance with the current Federal Highway Administration (FHWA) and Department of Transportation (Caltrans) Joint Stewardship and Oversight Agreement.

FHWA "engineering and operational acceptability" must be obtained early in the PA&ED phase prior to circulation of the draft environmental document with an unsigned supplemental project study report (PSR) or an unsigned draft project report. FHWA "approval" will be given after the National Environmental Policy Act (NEPA) process is completed.

15. PROJECT REVIEWS

District Maintenance	Date	
District Traffic Safety Engineer	Date	
Headquarters Project Delivery Coordinator	Date	
Project Manager	Date	

16. PROJECT PERSONNEL

CALTRANS

Ismael Salazar Project Manager	619.688.6766
Armando Salvador	619.688.3268
Azeb Berhane	619.688.3258
Brian Hadley Traffic Operations/ELLN Coordinator	619.688.1098
Bruce Berlau	619.688.6945

Gretchen Eichar Environmental Planner	. 619.688.3106
Jacob Armstrong	. 619.688.6960
Jason Janis Traffic Engineering Analysis	. 619.688.3224
Jerry Champa Traffic Safety & Operations Liaison	. 916.712.5881
Kazim Mamdani	. 619.718.7840
Laura Espinoza District Design Liaison	. 619.718.7810
PROJECT SPONSOR	
Newland Real Estate Group, LLC	
Rita Brandin Development Director	. 858.875.8219
LOCAL AGENCIES	
County of San Diego	
Everett Hauser County Transportation Specialist	. 858.694.2412
Nick Ortiz County Project Manager	. 858.694.2410
Richard Chin County Transportation Specialist	. 858.694.3858
CONSULTANTS	
T.Y. Lin International	
Clark Fernon	. 619.908.3307
Jason Fischer Consultant Project Engineer	. 619.908.3211

Parsons

Linscott, Law & Greenspan, Engineers

John Boarman	
Consultant Traffic Principal	Ext: 236
Narasimha Prasad	858.300.8800
Consultant Traffic Engineer	Ext: 243

The Tait Group

David Tait	
Consultant Project Facilitator	

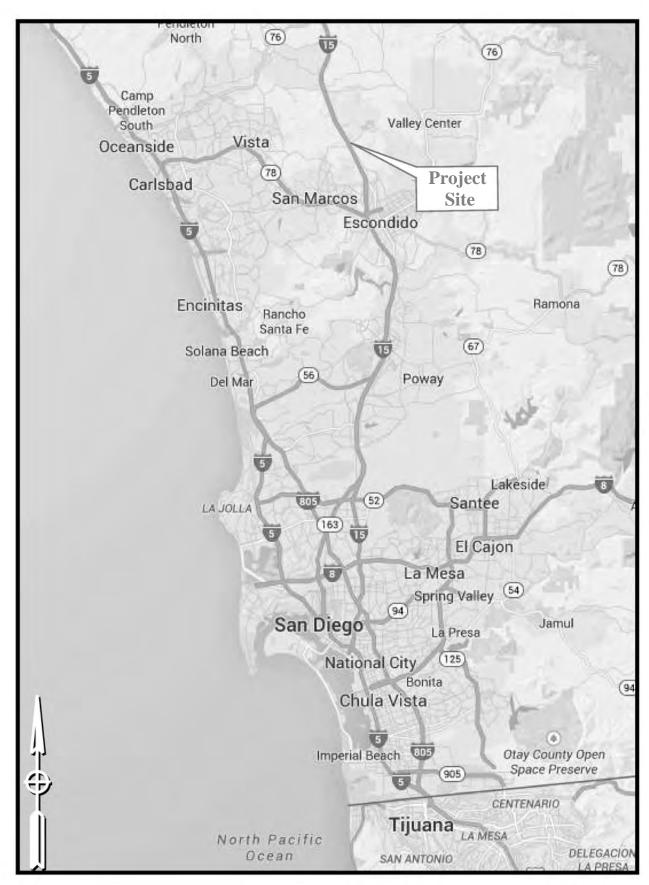
Fusco Engineering

Eric Armstrong	858.554.1500
Consultant Project Manager for the Sierra Project	Ext: 4050

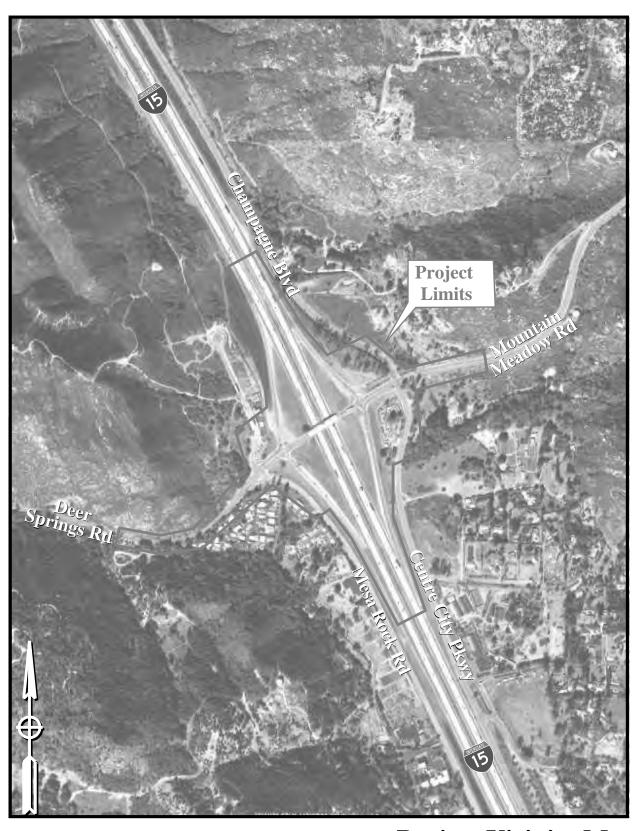
17. ATTACHMENTS (Number of Pages)

- A. Location and Vicinity Maps (2)
- B. Project Alternatives (3)
- C. Capital Outlay Project Estimate (9)
- D. Preliminary Environmental Analysis Report (PEAR) (28)
- E. Transportation Planning Scoping Information Sheet (9)
- F. Right-of-Way Conceptual Cost Estimate Component (3)
- G. Risk Register (2)
- H. Stormwater Documentation (67)
- I. Traffic Engineering Performance Assessment (TEPA) (16)

ATTACHMENT ALOCATION AND VICINITY MAPS

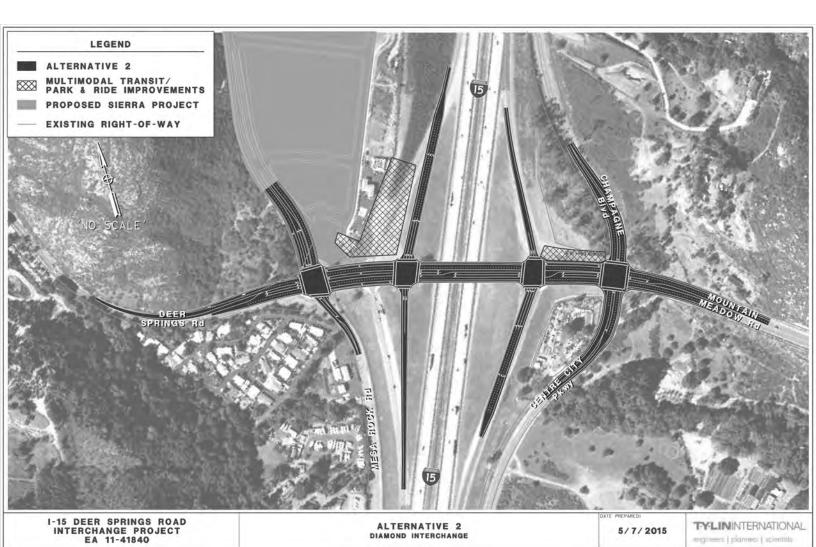


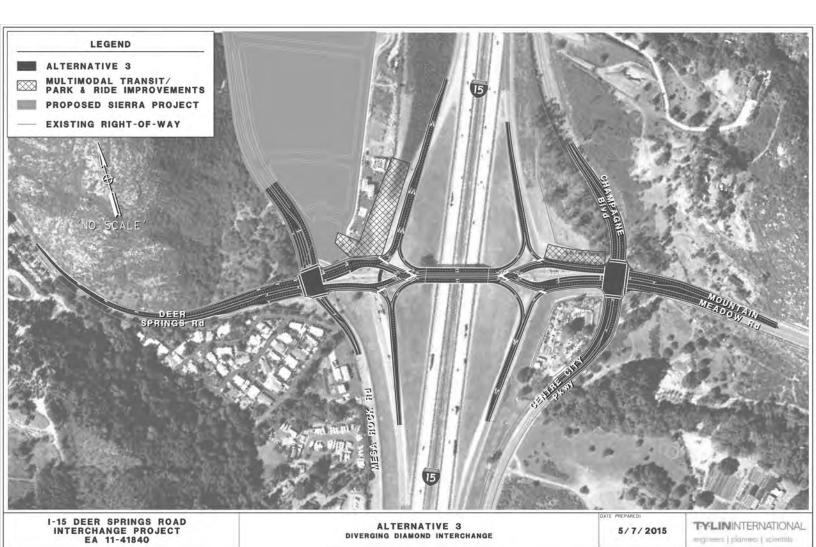
Regional Location Map

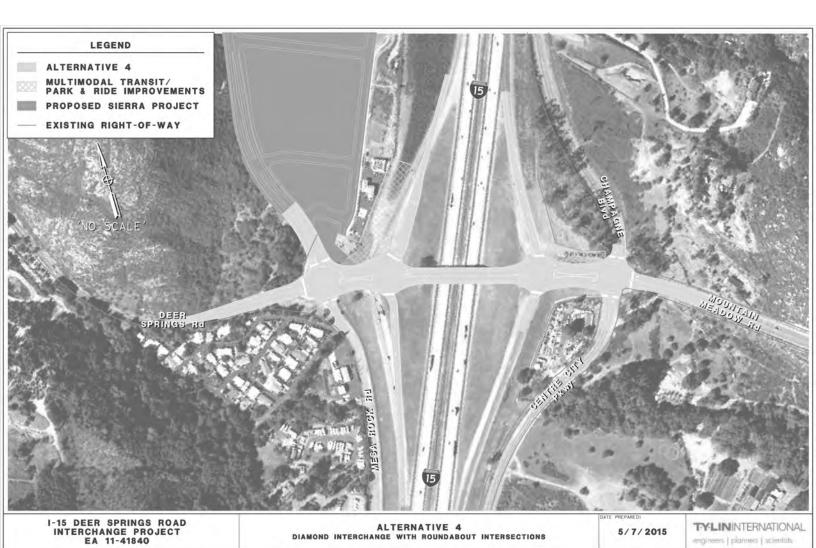


Project Vicinity Map

ATTACHMENT BPROJECT ALTERNATIVES







ATTACHMENT C CAPITAL OUTLAY PROJECT ESTIMATE

Project Study Report – Project Development Support Capital Outlay Project Estimate

 Dist - Co - Rte
 11-SD-15

 PM
 R36.0/37.2

 Program Code
 N/A

 Project Number
 11-14000093

 Month/Year
 August 2015

PROJECT DESCRIPTION:

Limits: In San Diego County near Escondido on Interstate 15 (I-15) from 0.6 Mile South to 0.6 Mile North of Deer Springs Road Overcrossing.

Proposed Improvement (Scope): Reconstruct the existing I-15 and Deer Springs Road interchange.

Alternate: 2

SUMMARY OF PROJECT COST ESTIMATE

TOTAL ROADWAY ITEMS	\$ 13,440,000
TOTAL STRUCTURE ITEMS	\$5,760,000
TOTAL ENVIRONMENTAL MITIGATION ITEMS	\$650,000
SUBTOTAL CONSTRUCTION COSTS	\$19,850,000
TOTAL RIGHT-OF-WAY ITEMS	\$350,000
TOTAL PROJECT CAPITAL OUTLAY COSTS	\$ 20,200,000

I. ROADWAY ITEMS

4	Average Cost per Lane Mile		Number of Lane Miles		Total Cost
Total Cost _	\$2,400,000	X	5.6	=	\$13,440,000
Explanation	:				

Roadway items include costs associated with earthwork, pavement, drainage, traffic, electrical work, landscaping, and other minor items. The cost estimate includes a 20% contingency factor applied to the base cost. The cost estimate has been escalated to the fiscal year 2018 using an annual escalation factor of 3%. The fiscal year 2018 is the anticipated year for construction. Roadway items exclude costs associated with structures, environmental mitigation, and right-of-way. It also excludes costs associated with owner administration, professional engineering, environmental planning, and construction administration.

TOTAL ROADWAY ITEMS

\$<u>13,440,000</u>

II. STRUCTURES ITEMS

	Structure	Structure	Structure
	(1)	(2)	(3)
Bridge Name	<u>Deer</u>	Retaining	
	Springs	<u>Walls</u>	
	Road OC		
Total Cost for Structure	<u>\$3,900,000</u>	<u>\$1,860,000</u>	

Explanation:

Structures items include costs associated with widening the existing Deer Springs Road Overcrossing at I-15. Structures items include costs associated with retaining walls. The cost estimate includes a 20% contingency factor applied to the base cost. The cost estimate has been escalated to the fiscal year 2018 using an annual escalation factor of 3%. The fiscal year 2018 is the anticipated year for construction.

TOTAL STRUCTURE ITEMS

\$5,760,000

III. ENVIRONMENTAL MITIGATION

	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	Item Cost
Environmental Mitigation	LS	_1_ X	<u>\$650,000</u> =	<u>\$650,000</u>
Explanation:				
Environmental mitigatand monitoring, tempo practices required during	rary erosion c	ontrol, and		_
TOTAL ENVI	RONMENTA	L MITIGA	TION ITEMS	\$650,000
IV. RIGHT-OF-WAY ITE	MS			
			Escalated	
A. Acquisition, including damages to remainder			Value \$ <u>100,000</u>	
B. Utility Relocation (Sta	ate share)		\$ <u>250,000</u>	
Anticipated Da (Date to which	_	•	ification	2018
Explanation:				
Right-of-way items include costs associated with acquiring right-of-way, temporary construction easements, and anticipated utility relocations.				
TOTAL RIGH	Γ-OF-WAY Ι΄	TEMS		\$350,000

Project Study Report – Project Development Support Capital Outlay Project Estimate

 Dist - Co - Rte
 11-SD-15

 PM
 R36.0/37.2

 Program Code
 N/A

 Project Number
 11-14000093

 Month/Year
 August 2015

PROJECT DESCRIPTION:

Limits: In San Diego County near Escondido on Interstate 15 (I-15) from 0.6 Mile South to 0.6 Mile North of Deer Springs Road Overcrossing.

Proposed Improvement (Scope): Reconstruct the existing I-15 and Deer Springs Road interchange.

Alternate: 3

SUMMARY OF PROJECT COST ESTIMATE

TOTAL ROADWAY ITEMS	\$ <u>11,250,000</u>
TOTAL STRUCTURE ITEMS	\$3,550,000
TOTAL ENVIRONMENTAL MITIGATION ITEMS	\$650,000
SUBTOTAL CONSTRUCTION COSTS	\$15,450,000
TOTAL RIGHT-OF-WAY ITEMS	\$350,000
TOTAL PROJECT CAPITAL OUTLAY COSTS	\$ 15,800,000

I. ROADWAY ITEMS

<u> 4</u>	Average Cost per Lane Mile		Number of Lane Miles		Total Cost
Total Cost _	\$2,295,000	X	4.9	=	\$11,250,000
T 1					

Explanation:

Roadway items include costs associated with earthwork, pavement, drainage, traffic, electrical work, landscaping, and other minor items. The cost estimate includes a 20% contingency factor applied to the base cost. The cost estimate has been escalated to the fiscal year 2018 using an annual escalation factor of 3%. The fiscal year 2018 is the anticipated year for construction. Roadway items exclude costs associated with structures, environmental mitigation, and right-of-way. It also excludes costs associated with owner administration, professional engineering, environmental planning, and construction administration.

TOTAL ROADWAY ITEMS

\$<u>11,250,000</u>

II. STRUCTURES ITEMS

	Structure	Structure	Structure
	(1)	(2)	(3)
Bridge Name	<u>Deer</u>	Retaining	
	Springs	<u>Walls</u>	
	Road OC		
Total Cost for Structure	<u>\$2,100,000</u>	<u>\$1,450,000</u>	

Explanation:

Structures items include costs associated with widening the existing Deer Springs Road Overcrossing at I-15. Structures items include costs associated with retaining walls. The cost estimate includes a 20% contingency factor applied to the base cost. The cost estimate has been escalated to the fiscal year 2018 using an annual escalation factor of 3%. The fiscal year 2018 is the anticipated year for construction.

TOTAL STRUCTURE ITEMS

\$3,550,000

III. ENVIRONMENTAL MITIGATION

		Quantity	<u>Unit</u>		<u>Unit Price</u>		<u>Item Cost</u>
Env	vironmental Mitigation	n <u>LS</u>	1	X	\$650,000	=	\$650,000
Exp	planation:						
	Environmental mitiga and monitoring, temp practices required dur	orary erosion o	control,				-
	TOTAL ENV	IRONMENTA	L MITI	GA'	TION ITEM	S	\$650,000
IV.	RIGHT-OF-WAY IT	EMS					
					Escalat		
A.	Acquisition, includir damages to remainde	-			Value \$ <u>100,000</u>		
В.	Utility Relocation (S	tate share)			\$250,000	<u>O</u>	
Anticipated Date of Right-of-Way Certification							
Exp	olanation:						
	Right-of-way items in temporary construction					_	•
	TOTAL RIGI	HT-OF-WAY I	TEMS				\$350,000

Project Study Report – Project Development Support Capital Outlay Project Estimate

 Dist - Co - Rte
 11-SD-15

 PM
 R36.0/37.2

 Program Code
 N/A

 Project Number
 11-14000093

 Month/Year
 August 2015

PROJECT DESCRIPTION:

Limits: In San Diego County near Escondido on Interstate 15 (I-15) from 0.6 Mile South to 0.6 Mile North of Deer Springs Road Overcrossing.

Proposed Improvement (Scope): Reconstruct the existing I-15 and Deer Springs Road interchange.

Alternate: 4

SUMMARY OF PROJECT COST ESTIMATE

TOTAL ROADWAY ITEMS	\$ 9,875,000
TOTAL STRUCTURE ITEMS	\$
TOTAL ENVIRONMENTAL MITIGATION ITEMS	\$650,000
SUBTOTAL CONSTRUCTION COSTS	\$ 13,150,000
TOTAL RIGHT-OF-WAY ITEMS	\$350,000
TOTAL PROJECT CAPITAL OUTLAY COSTS	\$ 13,500,000

I. ROADWAY ITEMS

<u>A</u>	verage Cost per Lane Mile		Number of Lane Miles		Total Cost
Total Cost _	\$2,600,000	X	3.8	=	\$9,875,000

Explanation:

Roadway items include costs associated with earthwork, pavement, drainage, traffic, electrical work, landscaping, and other minor items. The cost estimate includes a 20% contingency factor applied to the base cost. The cost estimate has been escalated to the fiscal year 2018 using an annual escalation factor of 3%. The fiscal year 2018 is the anticipated year for construction. Roadway items exclude costs associated with structures, environmental mitigation, and right-of-way. It also excludes costs associated with owner administration, professional engineering, environmental planning, and construction administration.

TOTAL ROADWAY ITEMS

\$<u>9,875,000</u>

II. STRUCTURES ITEMS

	Structure	Structure	Structure
	(1)	(2)	(3)
Bridge Name	<u>Deer</u>	Retaining	
	Springs	<u>Walls</u>	
	Road OC		
Total Cost for Structure	<u>\$1,400,000</u>	<u>\$1,225,000</u>	

Explanation:

Structures items include costs associated with widening the existing Deer Springs Road Overcrossing at I-15. Structures items include costs associated with retaining walls. The cost estimate includes a 20% contingency factor applied to the base cost. The cost estimate has been escalated to the fiscal year 2018 using an annual escalation factor of 3%. The fiscal year 2018 is the anticipated year for construction.

TOTAL STRUCTURE ITEMS

\$2,625,000

III. ENVIRONMENTAL MITIGATION

	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	Item Cost	
Environmental Mitigation	LS	_1_ X	<u>\$650,000</u> =	\$650,000	
Explanation:					
Environmental mitigat and monitoring, tempo practices required duri	rary erosion c	ontrol, and		•	
TOTAL ENVI	RONMENTA	L MITIGA	ATION ITEMS	\$650,000	
IV. RIGHT-OF-WAY ITE	EMS				
			Escalated		
A. Acquisition, including damages to remainder	,		Value \$ <u>100,000</u>		
B. Utility Relocation (Sta	ate share)		\$ <u>250,000</u>		
Anticipated Date of Right-of-Way Certification					
Explanation:					
Right-of-way items inc temporary construction			1 0	• · · · · · · · · · · · · · · · · · · ·	
TOTAL RIGH	T-OF-WAY I	ГЕМЅ		\$350,000	

ATTACHMENT D

PRELIMINARY ENVIRONMENTAL ANALYSIS REPORT (PEAR)

1. Project Information

District	County	Route	PM		EA	
11	SD	I-15	R36.3	3-R37.2	11-41840K	
Project Title: Interstate 15 (I-15)/Deer Springs Road Interchange Project						
Project Manager	Project Manager: Ismael Salazar Phone: (619) 688-6766					
Project Engineer: Armando Salvador Phone					9) 688-3268	
Environmental Office Chief/Manager: Olga Estrada			Phone: (61	9) 688-0229		
PEAR Preparer:	Emily Hoyt/Steph	anie Blanco (Parso	ons)	Phone: (94 (909) 218-	(49) 333-4546/ 3551	

2. Project Description

Purpose and Need

The project area is located within San Diego County, along a segment of Interstate 15 (I-15). I-15 is a major traffic corridor that serves the local community of Hidden Meadows and City of San Marcos, while also acting as a link for traffic traveling to and from I-15 to and from State Route (SR) 78. The intersecting Deer Springs Road is classified as a 6-Lane Prime Arterial in the County of San Diego Mobility Element and is currently built as a two-lane facility between I-15 and Twin Oaks Valley Road. Based on growth forecasts prepared by the San Diego Association of Governments (SANDAG), the County's unincorporated areas, which encompass the project area, are expected to see an overall population growth of approximately 25 percent between 2015 and 2050. To accommodate this growth and future capacity needs within the corridor, the interchange will require additional capacity. Regional growth, coupled with the approved site developments in the immediate vicinity, will result in increased volumes through the interchange by 2040 of approximately 25 to 40 percent, depending on the road segment. In addition to the projected traffic demands, the I-15/Deer Springs Road interchange is currently experiencing severe traffic congestion. Existing deficiencies of the I-15/Deer Springs Road interchange are summarized below:

- Three out of four I-15/Deer Springs Road interchange intersections are operating near or over design capacity during PM peak periods;
- Intersection delays of up to 45 seconds;
- High volumes of single-occupancy vehicle travel, necessitating improved access
 to carpools, vanpools, and public transportation choices via existing park-and-ride
 facilities within the project area.

The purpose of the proposed project is to plan for the projected regional population growth and increase in traffic demands on the existing I-15/Deer Springs Road interchange for the planning design year 2040. The project proposes to widen and reconfigure the interchange to improve traffic operations and enhance transportation choices. The objectives of the project are to:

- Support anticipated regional growth and proposed local-area projects;
- Relieve congestion by providing sufficient vehicle capacity through the interchange area;
- Manage east-west travel between local communities;
- Enhance multimodal choices;
- Improve the existing park-and-ride facility to provide transit connectivity; and
- Minimize environmental impacts.

Description of Work

The design alternatives for the project include one No Build Alternative and three build alternatives, which include improvements to Deer Springs Road Interchange.

Alternatives

Alternative 1

This alternative is the No Build Alternative. The existing I-15 and Deer Springs Road interchange would remain unchanged and no work would be provided to improve operational conditions. The No Build Alternative does not meet the goals of this project to relieve congestion and is inconsistent with the purpose and need.

Alternative 2

Alternative 2 proposes to expand upon the existing diamond configuration to improve operational conditions. This alternative would require nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection and between the northbound ramp termini and the Champagne Boulevard/Deer Springs Road intersection. It proposes to realign the southbound ramps farther east to improve upon the existing nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection. Realigning these ramps would require retaining walls along the southbound off-ramp and on-ramp. This alternative also proposes to widen Deer Springs Road Overcrossing to be widened. It proposes to maintain the existing Extra Legal Load Network (ELLN) bypass of the Deer Springs Road Overcrossing via the southbound on- and off-ramps.

Alternative 3

Alternative 3 proposes to reconfigure the existing interchange into a diverging diamond interchange (DDI) configuration to improve operational conditions. The proposed geometry follows the informational guide published by the Federal Highway Administration (FHWA) in August 2014, which features a conventional 25-mile-per-hour (mph) design speed and a 45-degree intersection angle. This alternative also proposes to widen Deer Springs Road to meet the increased traffic demand and would require the existing Deer Springs Road Overcrossing to be widened. Alternative 3 also proposes to maintain the existing ELLN bypass of the Deer Springs Road Overcrossing via the southbound on- and off-ramps, utilizing a median opening for the ELLN vehicles to cross Deer Springs Road. This median opening would include several design features to keep other traffic from using it, such as a gate located within the opening, traversable concrete curb, chevron striping along the widened ramp shoulders, landscaping to block the view of the southbound on-ramp, and the geometric alignment of the median opening. This alternative may require nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection and between the northbound ramp termini and the Champagne Boulevard/ Deer Springs Road intersection. It may require a design exception for the conventional design speed of 25 mph required for DDI interchange configurations.

Alternative 4

Alternative 4 proposes to utilize the existing diamond configuration with roundabout intersections for the southbound and northbound ramp termini and for both of the adjacent local intersections along Deer Springs Road. This alternative also proposes to widen Deer Springs Road to meet the increased traffic demand and would require the existing Deer Springs Road Overcrossing to be widened. It proposes to maintain the existing ELLN bypass of the Deer Springs Road Overcrossing via the southbound on-and off-ramps, utilizing a roundabout through which the ELLN vehicles can navigate. This alternative would require nonstandard intersection spacing between the southbound ramp termini and the Mesa Rock Road/Deer Springs Road intersection and between the northbound ramp termini and the Champagne Boulevard/Deer Springs Road intersection. It may require a design exception for the conventional design speed of 25 mph required for roundabout intersections.

3. Anticipated Environmental Approval

Check the anticipated environmental determination or document for the proposed project in the table below.

CEQA			NEPA			
Environmental Determination						
Statutory Exemption						
Categorical Exemption			Categorical Exclusion			
Environmental Document						
Initial Study or Focused Initial Study with proposed Negative Declaration (ND) or Mitigated ND	\boxtimes		Routine Environmental Ass with proposed Finding of N Significant Impact			
			Complex Environmental Assessment with proposed Finding of No Significant Impact			
Environmental Impact Report			Environmental Impact Stat	ement		
CEQA Lead Agency (if determined):			Caltrans			
Estimated length of time (months) to obtain environmental approval:			environmental approval:	18 months		
Estimated person hours to complete identifi			ed tasks:	2,300		

4. Special Environmental Considerations

Under any of the project build alternatives, there is the potential for impacts on biological resources, archaeological resources, and drainages. If any archaeological or historic resources identified within the area of potential effect (APE) are determined to be listed on or eligible for listing on the National Register of Historic Places (NRHP), then these would also be considered resources under Section 4(f). In compliance with Section 106 of the National Historic Preservation Act, a Finding of Effect (FOE) would need to be prepared to evaluate the effect of the proposed project on the eligible resource. If the proposed project results in a Finding of No Effect, then a *de minimis* finding would likely be appropriate with regard to Section 4(f). However, this will need to be further evaluated during the Project Approval/ Environmental Document (PA/ED) phase of the proposed project.

Deer Springs Creek runs through the south portion of the I-15/Deer Springs Road Interchange Project area. If temporary or permanent impacts are to occur, a Section 401 Water Quality Certification, Section 404 Nationwide Permit, and Section 1602 Streambed Alteration Agreement would be required; however, because the creek runs through a covered culvert from North Centre City Parkway south to Mesa Rock Road, impacts are not anticipated. Impacts to Deer Springs Creek will be further evaluated and documented during the PA/ED phase of the proposed project.

5. Anticipated Environmental Commitments

Specific avoidance, minimization, and/or mitigation measures and commitments, and associated quantitative times and costs cannot be definitively determined at this time because the technical studies have not been initiated; however, for purposes of this Preliminary Environmental Analysis Report (PEAR), it is assumed that avoidance, minimization, and/or mitigation measures and commitments would consist of those measures that minimize project-related impacts typically used for similar transportation projects. Below is a list of environmental commitments by affected resource.

5.1 Community Impacts

At this stage in project planning, partial and/or full acquisitions have not been finalized for each of the proposed build alternatives; however, all property and right-of-way (ROW) acquisitions as part of the proposed project would be conducted in accordance with California Department of Transportation (Caltrans) and FHWA policies and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Properties would be purchased at fair market value, and relocation assistance for displaced residents would be provided. If any acquisitions are identified as necessary during the PA/ED phase, then a Relocation Impact Document (RID) would be prepared for the project. Additional community impacts will be discussed in the Community Impact Assessment (CIA) study such as; land use, potential growth, community character, transportation, environmental justice, and public involvement.

5.2 Section 4(f)

The proposed project alternatives are not likely to have a direct affect on parks or historic resources eligible for the NRHP. These resources, if present, would be considered resources under Section 4(f) of the Department of Transportation Act. If it is found that project alternatives do affect historic properties eligible for the NRHP, then a determination of a deminimis impact finding or preparation of a Section 4(f) evaluation would be required.

5.3 Visual Impacts

A Visual Impact Study will be prepared to evaluate visual impacts associated with the proposed project. The FHWA Visual Impact Assessment for Highway Projects guidelines will be followed to quantify the visual analysis.

5.4 Cultural Resources

The proposed project alternatives may affect archaeological sites and possibly historic resources. It is anticipated that a Historic Properties Survey Report (HPSR), an Archaeological Survey Report (ASR), a Historic Resources Evaluation Report (HRER), as well as APE maps would be required for the project. An FOE report would also be required if properties that are directly impacted include resources that are found eligible for the NRHP, although this is not anticipated.

5.5 Water Quality Study

The drainage channels adjacent to the interchange may be affected during construction. Coordination with the California Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW) will be required.

5.6 Paleontology

A project-level Paleontological Identification Report (PIR) and Paleontological Evaluation Report (PER) would be required. Based on the findings of the report, a Paleontological Mitigation Plan (PMP) may be required. Any measures arising from the plan would need to be incorporated into the proposed project commitments.

5.7 Hazardous Waste/Materials

Based on a review of the project site and a review of the State Water Resources Control Board (SWRCB) GeoTracker, hazardous waste may be present within the project limits. One leaking underground storage tank (LUST) site was identified near the Arco Gas Station between Mesa Rock Road and the I-15 southbound off-ramp. According to SWRCB GeoTracker data, this previously contaminated site has undergone cleanup, and the case is now closed. Because only one site was identified, and site cleanup has been completed, the project area is considered low risk. As part of the Phase I Environmental Site Assessment Process, an Initial Site Assessment (ISA) Checklist will be completed for further investigation during the PA/ED phase of this project.

It is assumed that the use, transport, and disposal of hazardous and potential hazardous materials used during construction would be conducted in accordance with applicable federal, state, and local requirements. Soils adjacent to paved areas in the project corridor may contain aerially deposited lead (ADL) from vehicle exhaust. An ADL survey would need to be performed during Caltrans Work Breakdown Structure (WBS) 165 phase of the proposed project according to Caltrans ADL testing guidelines. If the final construction alternative involves the acquisition of land with structures, the structures should be evaluated if lead-based paint (LBP) is suspected. Lead and other heavy metals, such as chromium, may be present in the yellow thermoplastic paint markings on the pavement. These surfacing materials should be tested for LBP prior to removal. If the final construction alternative involves the acquisition of land with structures or modification to existing bridges, the structures or bridges should be evaluated for asbestos-containing materials (ACM), if suspected, prior to demolition.

5.8 Air Quality

The entire San Diego Air Basin is in a nonattainment area for ozone. Implementation of the proposed project would involve enhancements to the interchange, including improved signal timing and increased capacity, to accommodate existing and planned traffic generated in the project vicinity. Regional air quality will be addressed in terms of air quality impacts in the San Diego area. An Air Quality Study Report will be prepared to evaluate the impacts of the proposed project in accordance with Caltrans Transportation Project-Level Carbon Monoxide Protocol (December 1997). Because the project is capacity increasing, a transportation conformity determination would be required.

5.9 Noise

A Noise Study in accordance with FHWA's Highway Traffic Noise Guidance and Policy and the Caltrans Traffic Noise Analysis Protocol will be prepared for this project due to sensitive receptors (mobile home park) within the impact area. In addition, an early coordination meeting will be requested to determine if the project would result in predicted traffic noise levels that approach or exceed the noise abatement criteria or if the predicted traffic noise levels would approach or substantially exceed existing noise levels.

5.10 Biology Study

The interchange project is located within the North County Multiple-Species Conservation Plan (MSCP) and would be subject to the guidelines specific to the County's plan. Additionally, federally listed threatened or endangered species (including candidate species) or their critical or sensitive habitat may exist within the project area; however, further study will be required to determine if the project would adversely affect said species or their critical or sensitive habitat. At a minimum, a Natural Environment Study and potentially a Biological Assessment will be required to be prepared. Coordination with USFWS and CDFW will be required.

5.11 Wetlands Study

Although the project area appears devoid of wetland resources, further study will be required to determine if wetlands actually occur within the project boundary and to quantify the project-related impacts on wetlands. A wetland delineation will be conducted. Coordination with, U.S. Fish and Wildlife Service (USFWS), and U.S. Army Corps of Engineers (USACE) may be required. Coordination with the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) may also be required.

5.12 Traffic

The proposed project would result in improved traffic flow through the project corridor and the improved interchanges; however, changes in traffic patterns and flow could result in potential impacts to local arterials that could require mitigation. Potential street, lane, and ramp closures may result in adverse temporary impacts on traffic during construction. Implementation of a Traffic Management Plan (TMP) during construction would be required and would include measures to address construction period traffic impacts.

6. Permits and Approvals

All construction activities within the Caltrans ROW must conform to the requirements of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, Order No. 99-06-DWQ, NPDES No. CAS 000003, in addition to the responsibilities specified in the Stormwater Management Plan. The proposed project must also conform to the requirements of the General NPDES Permit for Construction Activities, Order No. 2009-

0009-DWQ, NPDES No. CAS 00002, and any subsequent general permits in effect at the time of project activity.

It is anticipated that if the proposed project impacts waters or wetlands, the following permits may be required:

- Water Quality Certification under Clean Water Act (CWA) Section 401 through the RWQCB;
- Nationwide Permit 14 under CWA Section 404 through USACE; and
- Streambed Alteration Agreement under Fish and Game Code 1602.

7. Level of Effort: Risks and Assumptions

The proposed project poses several risks pertaining to hazardous waste, biological resources, cultural resources, and the nearby community. As previously discussed, a decontaminated LUST site is located adjacent to the project area. It is assumed that if hazardous material is present onsite, it may require removal and disposal pursuant to federal or state law whether it is disturbed by the project or not.

While no sensitive habitats appear to be present in the project area and there does not appear to be any potential for special-status plants to occur, critical habitat for the federally threatened California gnatcatcher (CAGN) has been identified approximately 0.25 mile northeast of the project limits. CAGN is known to frequent areas with dense coastal sage scrub (CSS) vegetation. Within gore areas of the project limits, existing native CSS cover was observed on a field study conducted in 2014. Given the proximity to CAGN critical habitat and a history of CSS within the project area, focused, protocollevel CAGN surveys conducted by a federal 10(a)(1)(A) permitted biologist are recommended. The surveys would only be required in CSS areas within and adjacent to areas to be impacted by the proposed project. Surveys would determine the distribution and abundance of CAGN within the project site, which could potentially pose a risk to the project.

No bats, swift or swallow nests were observed on the existing bridge. If nesting or roosting activities are identified, avoidance and/or minimization measures would be required. The specifics of these measures would depend on the species and number of individuals.

It is known that Native Americans previously occupied areas near the I-15/Deer Springs Road Interchange Project location. As with many other projects that require excavation activities in southern California, there is the possibility of encountering potentially significant archaeological resources within the project area depending on the depth of construction for the project. The same risk also applies to paleontological resources; however, there is generally higher potential to uncover archaeological artifacts compared to paleontological specimens in this region.

Based on current designs of the proposed I-15/Deer Springs Road Interchange Project, there is slight risk that the project alignment would require additional ROW that could potentially result in community impacts.

8. PEAR Technical Summaries

8.1 Land Use

According to the San Diego County General Plan Land Use Map and Zoning Map, the project area is zoned commercial and office, residential mobile home, agriculture, and rural residential. Future land uses in the project area are guided by the County's General Plan and zoning ordinance. This area of the county is not built out, with many undeveloped parcels. For lands that are still vacant/undeveloped, a large percentage, including those near the proposed interchange, already have entitlements that are approved and in place. One development project within the immediate vicinity of the interchange is the Sierra-Newland Development Project. This is a proposed community subdivision on 1,985 acres currently undergoing environmental review with the County of San Diego Planning Department.

Within the project area, Deer Springs Road is primarily identified as a Collector Road, transitioning to a Major Road just southwest of Mesa Rock Road. The proposed project would be compatible with the County of San Diego's General Plan Mobility Element, which identifies Deer Springs Road as needing capacity improvements. Deer Springs Road is presently a 2 lane facility; however, per the County's current Mobility Element, Deer Springs Road classified as the following: from San Marcos City Limits to I-15 NB Ramp, Deer Springs Road is designated as a 6 lane prime arterial with a capacity of 50,000 ADT; and from I-15 NB ramp to Centre City Parkway, Deer Springs Road will be widened to be either 4 or 6 lanes depending on the traffic volumes for the specified design year and input from the County. The I-15/Deer Springs Interchange Project is consistent with these descriptions.

8.2 Section 4(f)

It is not expected that any of the project alternatives would directly affect parks or historic sites eligible for or listed on the NRHP. No parks have been identified within the project area, However, if a significant archaeological site is found, as determined by Caltrans in consultation with the State Historic Preservation Officer (SHPO), appropriate Native American tribe, and the Advisory Council on Historic Preservation (ACHP), it may be NRHP eligible. If NRHP-eligible properties or resources are present in the project area, then they would be considered resources under Section 4(f) of the Department of Transportation Act; however, for the proposed project alternative, a *de minimis* impact finding will likely be determined. If it is found that the finalized project alternatives do adversely affect historic resources eligible for the NRHP, then preparation of a Section 4(f) evaluation would be required.

8.3 Growth

The area immediately surrounding the project area includes existing residential, commercial, and industrial properties, as well as recreational open space. The area served

by the existing interchange is primarily residential with open space that has yet to be developed. The proposed project is not anticipated to appreciably affect the rate, type, or amount of growth that has already been accounted for in the City of Escondido, City of San Marcos, and San Diego County general plan documents. It is anticipated that following implementation of the proposed project, the pattern and rate of the population and housing growth would be consistent with rates projected in existing plans for the area.

8.4 Farmlands/Timberlands

The proposed project would not be located in an area that includes any farmlands that are designated by the California Department of Conservation (DOC) as prime farmland or farmland of local or state importance; however, DOC-classified unique farmland may temporarily and/or permanently be impacted by the proposed project. The proposed project would have no direct impacts to lands protected under the California Land Conservation Act of 1965, commonly known as the Williamson Act.

Directly north of the interchange and southwest of the interchange are some general use agricultural lands that may be impacted by construction activities. The northern agricultural land is the most likely to be impacted by construction activities, while the southwestern agricultural lands may be indirectly impacted. Indirect impacts would result from cumulative impacts due to changes in regional development patterns and growth-related changes. Indirect impacts to farmlands/timberlands would be further assessed in the Community Impact Assessment. Additional reconnaissance surveys need to be conducted to further analyze these resources.

8.5 Community Impacts

An existing mobile home park is located off of Deer Springs Road and Mesa Rock Road. Permanent impacts to this community would be minimal; however, a Community Impact Assessment (CIA) will need to be prepared to adequately assess impacts to the community cohesion and character.

Currently, no residential or commercial ROW impacts are anticipated. Because adequate ROW is present at the interchange, impacts to properties outside Caltrans ROW would be avoided to the extent feasible. If any partial or full acquisitions are required for the project, they will be thoroughly documented and assessed in the PA/ED phase. If any acquisitions are identified as necessary in a later project phase, then a RIS would be prepared for the project. Additional community impacts will be discussed in the Community Impact Assessment study such as; land use, potential growth, community character, transportation, and public involvement.

8.6 Visual/Aesthetics

The interchange project is within the County of San Diego's I-15 Corridor Subregional Plan and its Scenic Preservation Guidelines. In accordance with the plan, the project will protect and enhance scenic resources within the project area to the extent feasible.

Each of the proposed build alternatives could potentially affect the views of residences and businesses located adjacent to the project area, particularly related to the construction of improved structures, which could modify or obstruct views of sensitive viewers. The proposed project could also result in increased shading and increased glare from additional lighting, if incorporated into the project. In addition, removal of trees and vegetation may be necessary to construct the proposed project. A Visual Impact Assessment (VIA), in accordance with the FHWA Visual Impact for Highway Projects guidance, will be required. The VIA should address the aesthetic treatment of the new interchange structure and walls, vegetation removal, soundwalls, and measures to address impacts on sensitive viewer groups.

8.7 Cultural Resources

Cultural resource identification, analysis, and subsequent reports will be conducted in compliance with the Amended Section 106 Programmatic Agreement (PA) in compliance with Section 106 of the National Historic Preservation Act (NHPA), as it pertains to the administration of the Federal-Aid Highway Program in California executed January 1, 2014. Potential historic properties will be identified and evaluated for inclusion in the NRHP as required by 36 Code of Federal Regulations (CFR) Part 800 and the regulations implementing Section 106 of the NHPA of 1966, as amended.

Preliminary research from a literature and records database search at the South Coast Information Center has revealed that there are cultural resources located in the project vicinity. This search covered both published and unpublished materials on previous researches and projects within the project vicinity as part of the scoping process. Native Americans may have previously occupied this area. There were nine recorded sites within a half mile radius of the project APE, with three sites recorded partially within the project APE. The majority of these sites were located on the eastern portion of the project APE. After reviewing the site reports and relevant literature, it was revealed that much of these sites were destroyed from previous construction projects. However, there is potential for encountering surface or buried archaeological artifacts during construction of the proposed project alternatives. If any of these cultural resources are encountered, or are deemed to be a CEQA historical resource, then the resource would require evaluation under Section 106, and an Archaeological Evaluation Report would be required.

It is also known that the area may contain remnants of historic trails and roads. Given the size and scope of the project, a pedestrian field survey by a qualified archaeologist will need to be conducted for the project area. This is done in order to assess whether or not the recorded sites still exist, and to discern if there are additional archaeological or historic resources in the project area. Based on the results of the survey and the completed ASR, monitoring during construction by a qualified archaeologist is recommended. If the widening of Deer Springs Road impacts an archaeological site that is potentially eligible for the NRHP, then a more detailed analysis will need to be conducted by a professionally qualified archaeologist. Depending on the results of the analysis, a memorandum of Understanding (MOU), and/or an Archaeological Data Recovery (Phase III) may become required.

Additionally, coordination with the Native American Heritage Commission (NAHC) would identify tribal representatives in the area and request a record of any known sacred grounds. As part of this outreach and consultation effort, interested parties such as historical societies, local historians and tribal representatives shall be contacted in order to ask if they have any known concerns or information beyond any archaeological properties that could affect the alternatives, cost, schedule, or viability of the proposed project alternatives.

An HPSR and APE maps would also be required for the proposed project. The literature and records search revealed a few historic buildings that were in a dilapidated state as of 2000. Subsequent research suggests that these buildings no longer exist.

Additionally, a survey will need to be conducted by an architectural historian as part of an evaluation of buildings or structures for the HRER that would be required. At this stage in the project proposal, no properties are expected to be impacted.

If any historic or archaeological resources within or adjacent to the APE are determined to be listed on or eligible for listing on the NRHP, then these would also be considered resources under Section 4(f). There may be additional cultural resources that meet the 50-year threshold and are not exempt under the Section 106 Programmatic Agreement; however, this would have to be determined when more detailed studies are conducted for the proposed project.

In accordance with Section 106 PA of the National Historic Preservation Act, a FOE would need to be prepared to evaluate the effect of the proposed project on the NRHP eligible resource, should any exist in the APE. If the proposed project results in a Finding of No Adverse Effect, then a *de minimus* finding would likely be appropriate with regard to Section 4(f). Based on the proposed build alternatives, no historic resources are anticipated to be impacted. However, the need for a Section 4(f) evaluation related to cultural resources, and the level of Section 4(f) evaluation, will be addressed during the PA/ED phase of the proposed project.

8.8 Water Quality and Stormwater Runoff

Two drainages were observed within the project vicinity: Deer Springs Creek and South Fork Moosa Canyon Creek. Only Deer Springs Creek has the potential to be impacted because it flows through the southern portion of the project area; however, because the creek runs through a covered culvert from North Centre City Parkway south to Mesa Rock Road, water quality impacts are not anticipated. The second drainage is located on the northeast quadrant of I-15 and appears to be underground at Champagne Boulevard; it would most likely not be impacted by any construction activities or operation of the completed project. Both drainages are shown on the Environmental Constraints Map in Appendix E, Report Figures. Impacts to Deer Springs Creek and South Fork Moosa Canyon Creek will be further evaluated and documented in a Water Quality Study during the PA/ED phase of the proposed project.

Under the build alternatives, grading activities associated with construction could result in temporary soil erosion. Implementation of Best Management Practices (BMPs) would minimize erosion of exposed soils and the resulting movement of sediment into the storm drain system and downstream water bodies. During construction, the contractor would be required to implement several temporary site BMPs to limit soil erosion, implement water conservation practices, and maintain water quality. The construction site BMP strategy for the proposed project would consist of soil stabilization and sediment control devices.

The proposed project may require a Storm Water Pollution Prevention Plan (SWPPP) because the disturbed soil area could possibly be more than 1 acre. The proposed project alternatives may require a USACE 404 permit and an RWQCB 401 Water Quality Certification.

8.9 Geology, Soils, Seismic, and Topography

Southern California is a seismically active region with numerous faults of various types and the potential for earthquakes of Richter scale magnitude. In San Diego County, where the proposed project lies, the San Jacinto Fault, which is California's second most active fault, after the San Andreas Fault, runs through northeast San Diego County. The Rose Canyon Fault is another major fault in San Diego County that runs through the downtown portion of San Diego County through La Jolla. A geotechnical investigation should be conducted during the PA/ED phase.

8.10 Paleontology

Southern California has been a valuable resource for paleontological finds. There is the possibility of encountering paleontological resources within the project area, depending on the depth of construction for the project. A PIR and PER will need to be prepared for this project by a qualified paleontologist. Part of these reports will include a review of relevant published and unpublished geologic reports and paleontological locality records from the San Diego Natural History Museums. Geologic formations and paleontological deposits have a direct relationship with each other and should be considered jointly as part of the initial scoping process. The United States Geological Survey map for the project area was reviewed to gain information on geologic formations in the project area. Type Qoa covers most of the interchange which is old alluvial flood plain deposits from the late-to-middle Pleistocene epoch (6-11.5 million years ago). It consists of gravel, sand, silt, and clay. The other formation which covers the other large portion of the project is Kjd, Granodiorite of Jesmond Dean of the mid-Cretaceous epoch (95-115 million years ago). It consists of fine-grained, black and dark-gray granodiorite.

Additionally, coordination with other interested parties, such as museums, universities and knowledgeable individuals, should be undertaken as part of this effort. Given the size and scope of the project, a pedestrian survey of the project area should be conducted to identify any surface paleontological artifacts, fossils or specimen and geologic formations.

The depths of the excavations for the project have not yet been established, and intensive studies into the paleontological sensitivity of the region have not been conducted. Based on the findings of the PIR and PER reports, a PMP and construction monitoring maybe required.

8.11 Hazardous Waste/Materials

As previously discussed, because only one hazardous waste cleanup site was identified adjacent to the I-15/Deer Springs Road interchange, the project area is considered low risk. An ISA Checklist and Phase I Environmental Site Assessment will be completed for further investigation during the PA/ED phase of this project.

Furthermore, the use, transport, and disposal of hazardous and potentially hazardous materials used during construction would be conducted in accordance with applicable federal, state, and local requirements.

8.12 Air Quality

An Air Quality Study Report (AQSR) will be prepared to evaluate the impacts of the proposed project. The AQSR will address transportation conformity and project-level air quality impacts.

As previously stated, the entire San Diego Air Basin is in a nonattainment area for ozone. Regional air quality will be addressed in terms of air quality impacts in the San Diego area. It is anticipated that the proposed project would accommodate anticipated increases in vehicle traffic but would serve existing and planned land uses and developments. It is anticipated that the proposed project would reduce future congestion and improve traffic flow in the project area; therefore, it would potentially yield air quality benefits to the region. However, due to the capacity increasing elements associated with the proposed project, it is subject to Transportation Conformity. The project will be presented to TCWG in order to obtain concurrence that the project is in conformity with the air quality regulations. Following TCWG's recommendation, an Air Quality Conformity Report (AQCR) will be prepared. The AQCR will evaluate, among other items, regional emissions, project-level carbon monoxide and particulate matter emissions, mobile source air toxics emissions, naturally occurring asbestos, and construction emissions.

It is expected that operation results would improve area traffic congestion and therefore have a beneficial effect on air quality. It is possible that construction-related activities could produce air quality emissions. Possible mitigation measures for construction-related air quality effects, such as dust control measures, will be addressed in the AQSR.

8.13 Noise and Vibration

The proposed project could temporarily increase noise levels as a result of construction activities. There are currently no soundwalls along the residential area along the southeastern portion of the interchange. The proposed project would most likely need to provide sound abatement for the sensitive receptors living adjacent to the interchange. A Noise Study Report (NSR) would be required to measure the noise impacts on nearby residences and other noise-sensitive land uses. Determination of the need for and the

placement of new soundwalls would be made during the PA/ED phase of the project based on the NSR. The Noise Abatement Decision Report (NADR) compiles information from the NSR, other relevant environmental studies, and the design considerations into a single, comprehensive document before public review of the proposed project. The final determination regarding the incorporation of any soundwalls would be based on the findings of the NSR and NADR and any input received from the public during the environmental document availability period.

8.14 Biological Environment

Non-Native Grasslands, Southern Mixed Chaparral, Coast Live Oak Woodland, Southern Coast Live Oak Riparian Forest, Chamise Chaparral, oak trees, and eucalyptus trees surround the interchange. The Non-Native Grassland, Southern Coast Live Oak Riparian Forest, Southern Mixed Chaparral, and the eucalyptus trees have the most potential to be impacted by the proposed build alternatives. The impact areas are along the west side of Deer Springs Road; just south of the road are mature oak trees and Deer Springs Creek. South Fork Moosa Canyon Creek is on the east side of I-15, at the intersection of Champagne Boulevard and Mountain Meadow Road, as well as mature eucalyptus trees north and south of Mountain Meadow Road. If there is construction work outside of the existing ROW, then these trees may be impacted. At this stage in the project, it is not expected that work outside of the existing ROW will be necessary.

Within gore areas, existing native CSS cover was observed on a field study conducted in 2014; however, it currently appears to be disturbed, non-native grasslands with sporadic CSS species based on a field survey completed in January and February 2015. Further field studies need to be conducted to verify these areas. No habitats of concern appear to be present in the project area, and there does not appear to be any potential for special-status plants to occur.

The interchange appears to be located within the Northern County MSCP. Based on the USFWS Critical Habitat Mapping database, there is no designated critical habitat for the CAGN within or immediately adjacent to the interchange area; however, designated habitat for CAGN has been identified approximately 0.25 mile northeast of the edge of the project area. Given the proximity to CAGN critical habitat and a history of CSS within the project area, then a habitat assessment for CAGN should be completed for the project. If habitat is found in the project area, then a focused, protocol-level CAGN surveys should be conducted by a federal 10(a)(1)(A) permitted biologist in accordance with 1997 Coastal California Gnatcatcher Presence/Absence Survey Guidelines published by USFWS. Surveys would determine the distribution and abundance of CAGN within the project site. The survey does not have to include the entire Biological Study Area (BSA,) but only CSS areas within and adjacent to areas to be impacted by the project.

No swift or swallows nests were observed on the existing bridge. Bats were not observed utilizing the structure either. Additional biological field studies will be conducted to verify these preliminary findings.

A Natural Environment Study will be prepared to accurately assess impacts to those resources and to identify appropriate mitigation and monitoring measures to minimize impacts.

8.15 Context-Sensitive Solutions

Caltrans uses context-sensitive solutions as its approach to plan, design, construct, maintain, and operate its transportation system. Context-sensitive solutions use innovative and inclusive approaches that integrate and balance community, aesthetic, historic, and environmental values with transportation safety, maintenance, and performance goals. The plans are reached through a collaborative, interdisciplinary approach involving all stakeholders. As the project progresses through the design phase (PA/ED), context-sensitive solutions would be implemented through coordination among the Project Development Team, as appropriate. Any public outreach should also include the topic of context-sensitive solutions so that the community can provide input with regard to how the project will fit into the community. Community groups that would be contacted for public participation include, but are not limited to, Twin Oaks Valley Community Sponsor Group, and the I-15 Design Review Board. Some solutions that may apply to the project would be the incorporation of avoidance/minimization measures related to any identified cultural resources and surface or other treatments of any soundwalls or retaining walls that are required.

9. Summary Statement for PSR or PSR-PDS

The anticipated document for compliance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) is a joint Initial Study (IS)/Environmental Analysis (EA) leading to a Mitigated Negative Declaration (MND). Caltrans will act as the Lead Agency for CEQA and, as of July 1, 2007, Caltrans has been assigned the responsibility for the environmental review, consultation, and any other action required in accordance with applicable federal laws pursuant to 23 United States Code (U.S.C.) 327, thereby making Caltrans the lead agency for NEPA as well. Under NEPA, the appropriate documentation will be a Finding of No Significant Impact (FONSI). The MND/FONSI timeline could require approximately 18 months from the start of the environmental studies to approval of the environmental document.

The potential impacts of the proposed project are summarized below.

A CIA will be prepared to assess any impacts to the adjacent mobile home park and/or nearby businesses.

Depending on the alternative that is selected, the proposed project may result in partial acquisitions of residential and/or commercial properties. A Draft and Final RID would be required to address any relocations that occur as a result of the project.

General use agricultural land may be impacted directly to the north of the project vicinity if construction exceeds the existing ROW in that area. Mitigation and/or avoidance and minimization measures will need to be developed if any impacts are anticipated to this resource.

Excavations could potentially encounter paleontological resources. A project-level PIR and PER will be required. Based on the report findings, a PMP may also be required.

The proposed build alternatives could impact cultural resources. An HPSR and an ASR will be required. An HRER will be required to assess properties of historic significance within the project vicinity. Coordination with the NAHC and individual tribal representatives will be necessary.

If impacts to Deer Springs Creek occur, the proposed project will require the following permits: a Water Quality Certification under CWA Section 401 through the RWQCB; a Nationwide Permit 14 or Individual Permit under CWA Section 404 through USACE, depending on the extent of impact on federal Waters (Waters of the United States); and a Streambed Alteration Agreement under Fish and Game Code 1602.

The proposed project will require a Water Quality Report to analyze the potential impacts of the project on the aquatic environment. The project will require an SWPPP because the disturbed soil area could exceed 1 acre. Although temporary and permanent BMPs related to water quality should be implemented, future detailed site investigations would determine additional BMPs to be recommended as permanent treatment BMPs.

ADL studies will need to be conducted on the unpaved areas along the roadway, and studies may also be required for the structures targeted for demolition that could possibly contain LBP and/or ACM.

The proposed project is intended to reduce congestion and vehicle delay times, and it would also increase capacity. An AQSR will be required to assess the potential for the project to result in impacts to air quality during construction and operation. In addition, a quantitative analysis of greenhouse gas emissions will be required.

The proposed build alternatives will require an NSR to measure the noise impacts on nearby residences and other noise-sensitive land uses. Soundwalls may be required.

The proposed project alternatives will require a Natural Environment Study (Minimal Impacts) to evaluate impacts on biological resources and to identify avoidance, minimization, and/or mitigation measures. Bats may be present under the existing bridge, and birds protected by the federal Migratory Bird Treaty Act and similar provisions under Department of Fish and Game code may be present. Additionally, the eucalyptus and oak trees found in the project vicinity may be impacted if construction exceeds the current ROW. Mitigation and/or avoidance measures will need to be developed in case any of these biological resources are impacted.

A decontaminated LUST site is located adjacent to the proposed project area. An ISA Checklist will be required for further investigation.

10. Disclaimer

The PEAR provides an initial environmental evaluation of a project before it is programmed. While it anticipates the environmental constraints that may affect project

design, cost, schedule, and delivery, it is not an environmental determination or document. Based on the project description provided in the Project Study Report (PSR), the PEAR estimates the scope, schedule, and costs associated with the subsequent environmental compliance process and it documents the assumptions used to develop those estimates The text briefly outlines the issues and assumptions. Project scope changes made after the PEAR will affect assumption and cost.

Project scope changes made after this PEAR is prepared may affect level of environmental approval, cost and schedule. Please note that the information provided is preliminary and based on cursory examination. All impacts and associated mitigation should be considered as estimates until the project areas are thoroughly surveyed by specialists. The cost estimates (which only include preparation hours) and conclusions in the PEAR are approximate and are based on cursory analyses of probable effects. A reevaluation of the PEAR will be needed for changes in project scope or alternatives, or in environmental laws, regulations, or guidelines.

11. List of Preparers

Cultural Resources specialist:	Date: 6/18/2015
Monica Corpuz	
Biologist:	Date: 6/23/2015
Arianne Preite	
Community Impacts specialist:	Date: 6/24/2015
Emily Hoyt	
Noise and Vibration specialist:	Date: 4/27/2015
Areg Gharabegian	
Air Quality specialist:	Date: 4/27/2015
Bruce Campbell	
Paleontology specialist/liaison:	Date: 6/18/2015
Monica Corpuz	
Water Quality specialist:	Date: 4/27/2015
Chris Hinds	
Hydrology and Floodplain specialist:	Date: 4/27/2015
Portia Gonzalez, P.E.	
Hazardous Waste/Materials specialist:	Date: 4/27/2015
Shala Craig	
Visual/Aesthetics specialist:	Date: 4/27/2015
Jeff Lormand	
Energy and Climate Change specialist:	Date: 4/27/2015
James Santos	
PEAR Preparer:	Date: 7/30/2015
Emily Hoyt/Stephanie Blanco	

12. Review and Approval

I confirm that environmental cost, scope, and schedule and that the PEAR meets all Caltrans requirements.	have been satisfactorily completed
Environmental Branch Chief	Date:
Project Manager	Date:
REQUIRED ATTACHMENTS:	
Attachment A: PEAR Environmental Studies Checklis	t
Attachment B: Schedule (Gantt Chart)	

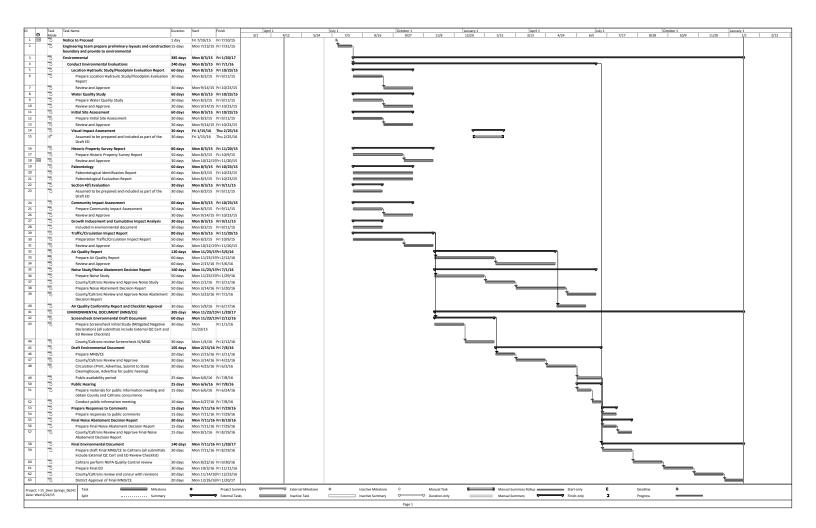
Attachment C: PEAR Environmental Commitments Cost Estimate (Standard PSR)

Attachment A: PEAR Environmental Studies Checklist

					Rev. 11/08
Environmental Studies for PA&ED Checklist					
	Not	Memo	Report	Risk*	_
	anticipated	to file	required	LMH	Comments
Land Use	 	 		<u> </u>	Part of CIA
Growth	 	 		<u> </u>	Part of CIA
Farmlands/Timberlands	 	 	X	<u> </u>	Part of CIA
Community Impacts		 		<u>L</u>	Part of CIA
Community Character and		🖳		<u>L</u>	Part of CIA
Cohesion Relocations					Dowt of CIA
			M	<u> </u>	Part of CIA Part of CIA
Environmental Justice	 			누	Part of CIA
Utilities/Emergency Services Visual/Aesthetics	 			<u>L</u>	Part of CIA
		 		<u>M</u>	
Cultural Resources:		<u> </u>		<u>M</u>	
Archaeological Survey Report		<u> </u>		<u>L</u>	
Historic Resources	🗀			<u>M</u>	
Evaluation Report					
Historic Property Survey	🖳	🖳		L	
Report					
Historic Resource		🖳	🖳	ᆫ	
Compliance Report					Dowt of LIDCD
Section 106 / PRC 5024 &	🖳	🖳		L	Part of HPSR
5024.5 Native American Coordination					Part of HPSR
		 		<u>L</u>	Part of HPSR
Finding of Effect				<u> </u>	
Data Recovery Plan		 	 	-	
Memorandum of Agreement				<u>L</u>	D ((UDOD
Other: APE Maps and ESA	🖳	🖳		L	Part of HPSR
Action Plan					
Hydrology and Floodplain	<u> </u>	 		Ļ	
Water Quality and Stormwater Runoff	🖳	🖳	\boxtimes	<u>L</u>	
Geology, Soils, Seismic and				L	
Topography	 			-	
Paleontology				1	
PER	 			L	
PMP	 	 			
Hazardous Waste/Materials:				<u> </u>	
ISA (Additional)		 		<u> </u>	
, ,		 		누	
PSI		 		<u> </u>	
Other:		<u> </u>		<u> </u>	
Air Quality	 	 		<u> </u>	
Noise and Vibration				<u>M</u>	
Energy and Climate Change	 			Ŀ	Part of ED
Biological Environment	📙			L	
Natural Environment Study		 		Ļ	NES (MI)
Section 7:				<u>L</u>	

Environmenta	al Studies	for P	A&ED (Checkl	ist
	Not	Memo	Report	Risk*	
	anticipated	to file	required	LMH	Comments
Formal				<u>L</u>	
Informal				<u>L</u>	
No effect				L	
Section 10				<u>L</u>	
USFWS Consultation				<u>L</u>	
NMFS Consultation				<u>L</u>	
Species of Concern (CNPS, USFS, BLM, S, F)				<u>L</u>	
Wetlands & Other Waters/Delineation				L	JD Report
404(b)(1) Alternatives Analysis				<u>L</u>	
Invasive Species		\boxtimes		<u>L</u>	Part of NES
Wild & Scenic River Consistency				<u>L</u>	
Coastal Management Plan				<u>L</u>	
HMMP				<u>L</u>	
DFG Consistency Determination	\boxtimes			L	
2081				<u>L</u>	
Other:				L	
Cumulative Impacts		$\overline{\boxtimes}$		L	Part of ED
Context Sensitive Solutions				L	Part of ED
Section 4(f) Evaluation				L	Part of ED
Permits:					
401 Certification Coordination	\boxtimes			<u>M</u>	
404 Permit Coordination, IP, NWP, or LOP				M	
1602 Agreement Coordination	\boxtimes			<u>M</u>	
Local Coastal Development Permit Coordination				<u>L</u>	
State Coastal Development Permit Coordination				L	
NPDES Coordination			\boxtimes	<u>L</u>	
US Coast Guard (Section 10)				L	
TRPA				<u>L</u>	
BCDC				<u>L</u>	

Attachment B: Schedule (Gantt Chart)



Attachment C: PEAR Environmental Commitments Cost Estimate (Standard PSR)

ALTERNATIVES 2, 3, AND 4

PART 1. PROJECT INFORMATION

11 – SD – 15 – PM R36.3-R37.2	EA: 11-41840K			
Project Description:				
The build alternatives include improvements to the Interstate 15 to the north of Deer				
Springs Road Interchange.				
Form completed by (Name/District Office):				
District 11				
Project Manager:	Phone Number:			
Ismael Salazar	(619) 688-6766			
Date: 6/25/2014				

PART 2. PERMITS AND AGREEMENTS

	Permits and Agreements
	(\$\$)
Fish and Game 1602 Agreement	\$4,912.25
Coastal Development Permit	
State Lands Agreement	
Section 401 Water Quality Certification	\$1,500
Section 404 Permit – Nationwide (U.S. Army Corps)	N/A
Section 404 Permit – Individual (U.S. Army Corps)	N/A
Section 10 Navigable Waters Permit (U.S. Army Corps)	
Section 9 Permit (U.S. Coast Guard)	
Other:	
California Department of Fish and Wildlife CEQA	\$2,210
Environmental Document Filing Fee	
County Clerk Processing Fee	\$50
Total (enter zeros if no cost)	\$8,672.25

PART 3. ENVIRONMENTAL COMMITMENTS FOR PERMANENT IMPACTS

Environmental Commitments – Alternatives 2, 3, and 4				
	Estimated Cost in \$1,000's	Notes		
Hazardous Waste	\$150 – 175			
Archaeological resources	\$75 – 100			
Biological resources				
ESA fencing	\$50 – 100	ESA fencing for CSS		
Biological Monitoring	\$100 – 125	Biological monitoring for		
		CAGN, bats, nesting birds,		
		and other species within the		
		project area.		
Paleontology	\$90-100	Paleontological		

		Management Plan, and processing of two discoveries.
Noise	\$390-400	Noise abatement (i.e. soundwalls)
Total (enter zeros if no cost)	\$855-1,000	

ATTACHMENT E TRANSPORTATION PLANNING SCOPING INFORMATION SHEET

Transportation Planning Scoping Information Sheet

PROJECT INFORMATION

District No.	County	Route	Post Miles	Expenditure Authorization
11	San Diego	15	R36.0/R37.2	PN 11-140000093/ EA 11-41840K

D · ATDNI /

Project Name and Description:

The I-15/Deer Springs Road Interchange project proposes to evaluate alternatives to increase capacity, improve mobility, and relieve congestion for the existing Interstate 15 (I-15) and Deer Springs Road interchange.

Prepared by:

District Information Sheet	Name: Jason Fischer	Functional	Consultant
Point of Contact*		Unit:	Project Engineer

^{*} The District Information Sheet Point of Contact is responsible for completing Project Information, PDT Team and Stakeholder Information, and coordinating the completion of project-related information with the Transportation Planning Stakeholders. Upon completion, provides the Transportation Planning PDT Representative and Project Manager with a copy of the Information Sheet.

Project Development Team (PDT) Information			
Title	Name	Phone Number	
Project Manager	Clark Fernon	619.692.1920	
Project Engineer	Jason Fischer	619.692.1920	
Transportation Planning PDT	Ismael Salazar	619.688.6766	
Representative**			

Transportation Planning Stakeholder Information			
Title	Name	Phone Number	
Regional Planner	TBD		
System Planner	TBD		
Local Development-	TBD		
Intergovernmental Review			
(LD-IGR) Planner			
Community Planner	TBD		
Goods Movement Planner	TBD		
Transit Planner	TBD		
Bicycle and Pedestrian	Seth Cutter	619.688.2597	
Coordinator			
Park and Ride Coordinator	Mike Roy	619.688.6489	
Native American Liaison	TBD		
Other Coordinators:	TBD		

Project Purpose and Need**

Purpose:

The purpose of the proposed project is to plan for the projected regional population growth and increase in traffic demands on the existing I-15 and Deer Springs Road interchange for the planning design year 2040.

The project proposes to widen and reconfigure the interchange to improve traffic operations and enhance transportation choices. The objectives of the project are to:

- Support anticipated regional growth and proposed local-area projects;
- Relieve congestion by providing sufficient vehicle capacity through the interchange area;
- Manage east-west travel between local communities;
- Enhance multi-modal choices;
- Improve the existing park and ride facility to provide transit connectivity; and
- Minimize environmental impacts.

Need:

The project area is located within San Diego County near Escondido, along a segment of Interstate 15 (I-15). I-15 is a major traffic corridor that serves the local communities of Hidden Meadows and San Marcos, while also acting as a link for traffic travelling to/from I-15 to/from SR 78. The intersecting Deer Springs Road is classified as a 6-Lane Prime Arterial in the County of San Diego Mobility Element and is currently built as a two-lane facility between I-15 and Twin Oaks Valley Road. Based on growth forecasts prepared by the San Diego Association of Governments, the county's unincorporated areas, which encompass the project area, are expected to see an overall population growth of approximately 25 percent between 2015 and 2050. To accommodate this growth and future capacity needs within the corridor, the interchange will require additional capacity. Regional growth coupled with the approved site developments in the immediate vicinity will result in increased volumes through the interchange by 2040 of about 25-40%, depending on the road segment. In addition to the projected traffic demands, the I-15/Deer Springs interchange is currently experiencing severe traffic congestion. Existing deficiencies of the I-15/Deer Springs interchange are summarized below:

- Three out of four I-15/Deer Springs interchange intersections are operating near or over the design capacity during peak period traffic volumes;
- Intersection delays of up to 45 seconds;
- High volumes of single occupancy vehicle travel, necessitating improved access to carpools, vanpools, and public transportation choices via existing park and ride facilities within the project area.

1. Project Funding:

a	a	List all known and potential funding sources and percent splits: (ie. State Transportation Improvement Program (STIP)/State Highway Operations and Protection Program (SHOPP)/Transportation Enhancement (TE)/Environmental Enhancement and Mitigation (EEM)/Safe Routes to School (SR2S)/etc.).
		This project will be privately funded along with any additional funding sources identified during the development of the project.
	b	Is this a measure project? Yes/No ✓. If yes, name and describe the measure.

2. Regional Planning:

^{**} The Transportation Planning PDT Representative is responsible for providing the PDT with the system-wide and corridor level deficiencies identified by Transportation Planning. The PDT uses the information provided by Transportation Planning to develop the purpose and need with contributions from other Caltrans functional units and external stakeholders at the initiation of the PID and is refined throughout the PID process. As the project moves past the project initiation stage and more data becomes available, the purpose and need is refined. For additional information on purpose and need see: www.dot.ca.gov/hq/env/emo/purpose_need.htm

	Name of and contact information for Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency (RTPA).
	San Diego Association of Governments (SANDAG)
	Sarah Strand
a	Regional Planner
	401 B Street, Suite 800
	San Diego, CA 92101
	619.595.5609
	Sarah.strand@sandag.org
	Name of and contact information for local jurisdiction (City or County)
	County of San Diego
b	Nick Ortiz
	County Project Manager
	858.694.2410
	francisco.ortiz@sdcounty.ca.gov
	Provide the page number and project description as identified in the Regional Transportation Plan (RTP)
С	and the date of adoption, or provide an explanation if not in RTP.
	This project is a condition required by the County of San Diego for an adjacent subdivision project,
	which is proposed by a private developer. Therefore, it is not identified in the RTP.
	Provide nexus between the RTP objectives and the project to establish the basis for the project purpose
d	and need.
	N/A
e	Is the project located in an area susceptible to sea-level rise?
	No
f	Name of Air Quality Management District (AQMD)
	San Diego County Air Pollution Control District (SDAPCD)
	If the project is located in a federal non-attainment or attainment-maintenance area is the project:
	• Regionally Significant? (per 40 (Code of Federal Regulations (CFR) 93.101) Y ✓/N
g	• Exempt from conformity? (per 40 CFR 93.126 and 93.128) Y_/N ✓
	Exempt from regional analysis? (per 40 CFR 93.127) Y_/N ✓
	• Not exempt from conformity (must meet all requirements)? Y ✓/N

3. Native American Consultation and Coordination:

	If project is within or near an Indian Reservation or Rancheria? If so, provide the name of Tribe.
a	No
b	Has/have the Tribal Government(s) been consulted? Y/N_✓. If no, why not?
U	
	If the project requires Caltrans to use right-of-way on trust or allotted lands, this information needs to be
	included as soon as possible as a key topic in the consultation with the Tribe(s). Has the Tribe been
С	consulted on this topic? $Y_{\underline{\hspace{1cm}}}/N_{\underline{\hspace{1cm}}}$. If no, why not?
d	Has the Bureau of Indian Affairs (BIA) been notified? Y/N ✓
u	
e	Have all applicable Tribal laws, ordinances and regulations [Tribal Employment Rights Ordinances
	(TERO), etc.] been reviewed for required contract language and coordination?
	N/A
£	If the Tribe has a TERO, is there a related Memorandum of Understanding between the District and the
1	Tribe?

	N/A
	Has the area surrounding the project been checked for prehistoric, archeological, cultural, spiritual, or
	ceremonial sites, or areas of potentially high sensitivity? If such areas exist, has the Tribe, Native
_	American Heritage Commission or other applicable persons or entities been consulted?
g	Cultural work has been on-going for the Sierra Project and sites have been identified. The NAHC has
	been consulted for those sites. A database search is currently being completed for the I15/Deer Springs
	interchange project.
h	If a Native American monitor is required for this project, will this cost be reflected in cost estimates?
11	Yes
	In the event of project redesign, will the changes impact a Native American community as described
i	above in d, e, or h?
	No

4. System Planning:

4.	System Planning:
2	Is the project consistent with the DSMP? Y_N_{\checkmark} . If yes document approval date. If no, explain.
a	This project is not listed or associated to any of the projects listed in the DSMP.
b	Is the project identified in the TSDP? $Y_{\underline{\hspace{1cm}}}/N_{\underline{\hspace{1cm}}}/N_{\underline{\hspace{1cm}}}$? If yes, document approval date If no, explain.
U	N/A – District 11 TSDP listed as "not available" on Caltrans Website
	Is the project identified in the TCR/RCR or CSMP? Y/N\(\subseteq \). If yes, document approval date If
c	no, explain. Is the project consistent with the future route concept? $Y_N \checkmark$. If no, explain.
	The project is not identified by the TCR or the CSMP. However, it is consistent with the future route
	concept.
d	Provide the Concept Level of Service (LOS) through project area.
u	LOS D
	Provide the Concept Facility – include the number of lanes. Does the Concept Facility include High
e	Occupancy Vehicle lanes? Y/N_✓.
	12 total lanes – 4 general purpose lanes and 2 toll lanes in each direction.
	Provide the Ultimate Transportation Corridor (UTC) – include the number of lanes. Does the UTC
f	include High Occupancy Vehicle Lanes? Y_/N ✓.
	12 total lanes – 4 general purpose lanes and 2 toll lanes in each direction.
	Describe the physical characteristics of the corridor through the project area (i.e. flat, rolling or
g	mountainous terrain).
	Rolling Terrain
1.	Is the highway in an urban or rural area? Urban ✓ /Rural . Provide Functional Classification.
h	I-15 – Interstate Freeway
	Deer Springs Road – Local County Arterial Is facility a freeway, expressway or conventional highway?
i	Yes, I-15 is an Interstate Freeway.
	Provide Route Designations: (i.e. Interregional Transportation Strategic Plan (ITSP) High Emphasis or
	Focus Route, Surface Transportation Assistance Act (STAA) Route, Scenic Route).
j	Interstate-15 is a Surface Transportation Assistance Act (STAA) Route; I-15 is also part of the
	Interregional Road System as stated in the ITSP.
	Describe the land uses adjacent to project limits (i.e. agricultural, industrial).
k	
	Residential, Commercial, and Agricultural
	Describe any park and ride facility needs identified in the TCR/CSMP, local plans, and RTP.
1	Park and Ride Lot #33 is located at the I-15 and Deer Springs Rd intersection and has 28 spaces.
1	Park and Ride Lot #34 is located at the I-15 and Mountain Meadows Dr intersection and has 41 spaces.
	The project proposes to expand lot #33 and maintain the existing size of lot #34

	Describe the Forecasted 10 and 20-year Vehicle Miles Traveled (VMT), Annual Average Daily Traffic
***	(AADT), and Peak Hour truck data in the TCR. Include the source and year of Forecast, and names and
m	types of traffic and travel demand analysis tools used.
	N/A
	Has analysis on Daily Vehicle Hours of Delay (DVHD) from the Highway Congestion Monitoring
n	Program (HICOMP) been completed and included? Y/N
	N/A

5. Local Development – Intergovernmental Review (LD-IGR):

List LD-IGR projects that may directly or indirectly impact the proposed Caltrans project or that the proposed Caltrans project may impact. (Attach additional project information if needed.)

LD	-IGR Project Information	Project
a	County-Route-Postmile & Distance to	SD – 15 – PM – R36.4 – Directly adjacent to development
_ u	Development.	V J
b	Development name, type, and size.	Sierra Project, Community Subdivision, 1,985 acres
С	Local agency and/or private sponsor, and contact information.	Private Sponsor Rita G. Brandin Senior Vice President, Development Director 9820 Towne Center Drive, Suite 100 San Diego, CA 92121 858.875.8219 rbrandin@newlandco.com
d	California Environmental Quality Act (CEQA) status and Implementation Date.	Sierra Project currently in EIR process with the County. CEQA document for the interchange project will be completed in the PA/ED phase.
e	If project includes federal funding, National Environmental Policy Act (NEPA) status.	N/A
f	All vehicular and non-vehicular unmitigated impacts and planned mitigation measures including Transportation Demand Management (TDM) and Transportation System Management (TSM) that would affect Caltrans facilities.	Identified in Draft Traffic Operations Report
g	Approved mitigation measures and implementing party.	N/A
h	Value of constructed mitigation and/or amount of funds provided.	N/A
i	Encroachment Permit, Transportation Permit, Traffic Management Plan, or California Transportation Commission (CTC) Access approvals needed.	N/A
j	Describe relationship to Regional Blueprint, General Plans, or County Congestion Management Plans.	The Project is processing a General Plan amendment with the County of San Diego.
k	Inclusion in a Regional Transportation Plan Sustainable Community Strategy or	N/A

	Alternative Planning Strategy?	
1	Regional or local mitigation fee program in place?	Yes

6. Community Planning:

υ.	Community Framing:
	INITIAL PID INFORMATION
a	Has lead agency staff worked with any neighborhood/community groups in the area of the proposed improvements? Y \(\frac{1}{2} \)/N If yes, summarize the process and its results including any commitments made to the community. If no, why not? Representatives from the surrounding local agencies have been included in the PDT.
b	Are any active/completed/proposed Environmental Justice (EJ) or Community-Based Transportation (CBTP) Planning Grants in the project area? Y_/N ✓. If yes, summarize the project, its location, and whether/how it may interact with the proposed project.
С	Describe any community participation plans for this PID including how recommendations will be incorporated and/or addressed. Has a context sensitive solutions (CSS) approach been applied? Y \(\subseteq / N \) The community has not been involved at this time. Further coordination will occur at the PA/ED phase.
	FINAL PID INFORMATION
d	How will the proposed transportation improvements impact the local community? Is the project likely to create or exacerbate existing environmental or other issues, including public health and safety, air quality, water quality, noise, environmental justice or social equity? Y_/N_✓. Describe issues, concerns, and recommendations (from sources including neighborhood/community groups) and what measures will be taken to reduce existing or potential negative effects.
e	Does this highway serve as a main street? Y_/N_✓. If yes, what main street functions and features need to be protected or preserved?

7. Freight Planning:

	HUMINA DID DURADIMATION
	INITIAL PID INFORMATION
	Identify all modal and intermodal facilities that may affect or be affected by the project.
a	Interstate 15
	FINAL PID INFORMATION
	Describe how the design of this project could facilitate or impede Goods Movement and relieve choke
	points both locally and statewide through grade separations, lane separations, or other measures (e.g.,
b	special features to accommodate truck traffic and at-grade railroad crossings).
	The purpose of this project is to alleviate traffic congestion in the vicinity of the I-15/Deer Springs Road
	Interchange. By improving traffic operations, the project would help facilitate goods movement.
	Describe how the project integrates and interconnects with other modes (rail, maritime, air, etc.). Do
	possibilities exist for an intermodal facility or other features to improve long-distance hauling, farm-to-
c	market transportation and/or accessibility between warehouses, storage facilities, and terminals?
	It does not impact any existing intermodal facilities. No future intermodal facilities are planned with this
	project.
	Is the project located in a high priority goods movement area, included in the Goods Movement Action
d	Plan (GMAP) or on a Global Gateways Development Program (GGDP) route? Y ✓/N If yes,
u	describe.
	I-15 is a Major International Trade Highway Route.
e	Is the project on a current and/or projected high truck volume route [e.g., Average Annual Daily Truck
е	Traffic (AADTT) of 5 axle trucks is greater than 3000]? Yes ✓N If yes, describe how the project

	addresses this demand.
	The project does not impact I-15. The purpose of this project is to alleviate traffic congestion in the
	vicinity of the I-15/Deer Springs Road Interchange. By improving traffic operations, the project would
	help facilitate truck traffic.
	If the project is located near an airport, seaport, or railroad depot, describe how circulation (including
f	truck parking) needs are addressed.
	N/A
σ.	Describe any other freight issues.
g	N/A

8. Transit (bus, light rail, commuter rail, intercity rail, high speed rail):

8.	Transit (bus, light rail, commuter rail, intercity rail, high speed rail):
	INITIAL PID INFORMATION
a	List all local transit providers that operate within the corridor.
	North County Transit District (NCTD) and San Diego Metropolitan Transit System (SDMTS)
b	Have transit agencies been contacted for possible project coordination? Y_✓/N If no, why not?
c	Describe existing transit services and transit features (bus stops, train crossings, and transit lines) within
	the corridor.
	Existing transit service in the project area is NCTD Breeze bus route 389 that operates every 2 hours
	each day of the week between Pala Casino and the Escondido Transit Center.
	Describe transit facility needs identified in short- and long-range transit plans and RTP. Describe how
	these future plans affect the corridor.
d	The SANDAG Draft 2050 RTP proposes the "Temecula (peak only) Extension of Escondido to
u	Downtown Rapid" transit service, the High Speed Rail alignment along the I-15 corridor, and "Safe
	Routes to Transit at new transit stations" in its 2050 Revenue Constrained Transit Network (RTP Figure
	A.3).
	FINAL PID INFORMATION
	Describe how the proposed project integrates transit and addresses impacts to transit services and transit
e	facilities.
	The proposed design alternatives provide room to expand the existing park-and-ride to allow for future
	inclusion of multi-modal transit options.
	Have transit alternatives and improvement features been considered in this project? Y_✓N If yes,
f	describe. If no, why not?
	The project proposes to integrate potential multi-modal transit options into the project design.

9. Bicycle:

	INITIAL PID INFORMATION
	Does the facility provide for bicyclist safety and mobility needs? If no, please explain.
	Yes, the project proposes to incorporate the features listed in the County Bicycle Transportation Plan and
a	also proposes to incorporate bikeways along Deer Springs Rd between Mesa Rock Rd and Champagne
	Blvd that provide safe connectivity to the surrounding features of the project, such as the adjacent park-
	and-ride lots and local street intersections.
	Are any improvements for bicyclist safety and mobility proposed for this facility by any local agencies or
b	included in bicycle master plans? If yes, describe (including location, time frame, funding, etc.).
U	Yes, per the County Bicycle Transportation Plan, the project proposes bicycle parking, racks, and lockers
	at both of the existing park-and-ride lots.
	Are there any external bicycle advocacy groups and bicycle advisory committees that should be included
c	in the project stakeholder list? If so, provide contact information.
	Yes, the San Diego County Bicycle Coalition and the North County Cycle Club:

	San Diego County Bicycle Coalition 858-487-6063
	info@sdbikecoalition.org
	North County Cycle Club
	admin@northcountycycleclub.com
	FINAL PID INFORMATION
d	Will bicycle travel deficiencies be corrected? How or why not?
u	N/A
	How will this project affect local agency plans for bicycle safety and mobility improvements?
e	It proposes to incorporate all planned bicycle improvements (per Section 9.b. above).
	If the project is the construction of a new freeway or modification to an existing freeway, will it sever or
f	destroy existing provisions for bicycle travel? If yes, describe how bicycle travel provisions will be
1	included in this project.
	No

10. Pedestrian including Americans with Disabilities Act (ADA):

	INITIAL PID INFORMATION
	Does this facility provide for pedestrian safety and mobility needs? If so, describe pedestrian facilities. Do continuous and well-maintained sidewalks exist? Are pedestrians forced to walk in the roadway at any locations due to lack of adequate pedestrian facilities? Please explain.
a	There is currently no existing sidewalk within the project limits. The proposed project improvements include 6' ADA accessible sidewalks on each side of Deer Springs Road between Mesa Rock Rd and Champagne Blvd. In addition, crosswalks are proposed to allow access for these intersecting streets.
1.	Are pedestrian crossings located at reasonable intervals?
b	Yes
	Are all pedestrian facilities within the corridor ADA accessible and in compliance with Federal and State
c	ADA laws and regulations?
	Yes
	FINAL PID INFORMATION
d	Will pedestrian travel deficiencies be corrected? How or why not?
	Yes, per Section 10.b. above.
	How will this project affect local agency plans for pedestrian safety and mobility improvements?
e	The proposed facilities meet the current local agency plans, and will coordinate with local agency during the design.
f	If the project is the construction of a new freeway or modification to an existing freeway, will it sever or destroy existing provisions for pedestrian travel? If yes, describe how pedestrian travel provisions will be included in this project.
	No
g	Are there any external pedestrian advocacy groups and advisory committees that should be included in the project stakeholder list? If so, provide contact information.
	No
	Have ADA barriers as noted in the District's ADA Transition Plan been identified within the project
h	limits? If not included in the project, provide justification and indicate whether District Design coordinator approval was obtained.
	N/A

11. Equestrian:

INITIAI	DID	INFORMATION	T

a	If this corridor accommodates equestrian traffic, describe any project features that are being considered to improve safety for equestrian and vehicular traffic?
	N/A
	FINAL PID INFORMATION
	Have features that accommodate equestrian traffic been identified? If so, are they included a part of
b	this project? Describe. If no, why not?
	N/A

12. Intelligent Transportation Systems (ITS):

	INITIAL PID INFORMATION
	INITIAL PID INFORMATION
	Have ITS features such as closed-circuit television cameras, signal timing, multi-jurisdictional or
	multimodal system coordination been considered in the project? Y \(\subseteq / N \). If yes, describe. If no,
a	explain.
	All traffic signals will be connected or coordinated.
	FINAL PID INFORMATION
	Have ITS features been identified? If so, are they included a part of this project? Describe. If no, why
b	not?
	Yes, the traffic signals located along Deer Springs Road.

ATTACHMENT F

RIGHT-OF-WAY CONCEPTUAL COST ESTIMATE COMPONENT

CONCEPTUAL COST ESTIMATE <u>REQUEST</u> – RIGHT OF WAY COMPONENT

To: Caltrans District 11 Date: August 2015 RIGHT OF WAY 11-SD-15-R36.0/R37.2 ATTN: Ismael Salazar Project ID 11-14000093 EA 11-41840K From: Jason Fischer The above-referenced project will require a(n) Original/Updated Conceptual Cost Estimate for the Right of Way Component by February 2016 . **Project Information** Type and description of the project. Project Setting: **✓** Urban □ Rural Current Land Use: Commercial, Residential, and Agricultural Project Schedule: PID Date_August 2015_ PA&ED Date_August 2016_ RWC Date_July 2018_ Number of Alternatives to be Studied 4 Environmental Document Type MND/CE Environment Mitigation Parcels/Credits Anticipated: □ Yes □ No **■** Unknown Environmental Permits: Number_404, 401, 1602 Permits Needed Prior to PA&ED_ None Permits to Enter for Environmental/Engineering Studies Yes **☑** Unknown □ No Number of Public Meetings Anticipated 2 Controversial: □ Yes **Right of Way Requirements** Additional R/W: Number of Parcels 6 Total Additional Area 33,000 Sq Ft Total Easement Area 25,000 Sq Ft Number of Easements 10 ☑ Change is Anticipated ☐ No Anticipated Change Access Points/Control: Identify Change in Access: Potential relinquishment along existing SB I-15 off-ramp **Utilities:** □ None **■** Minor ☐ Major Types of Utility facilities: Telecommunications, Water, Gas, Electrical and Sewer ☐ Potholing Needed Number N/A Railroad: Identify Rail Companies in the Vicinity of the Project: N/A List Possible RR Needs (e.g. 'Flagging'): No Rail Companies in the Vicinity of the Project ☐ No Relinquishments/Vacations **✓** Relinquishments **Existing Facilities:** □ Vacations ■ No Relinquishments Proposed Facilities: □ Relinquishments

CONCEPTUAL COST ESTIMATE – RIGHT OF WAY COMPONENT

To: <u>Ismael Salazar</u>			Date: August 2015
From: <u>Jason Fischer</u>			11-SD-15-R36.0/R37.2 11-14000093 11-41840K Project Description
A Field Review was co	onducted <u>V</u> YesN	O	·
Scope of the Right of	Way		
Right of Way Required Number of Parcels Urban Land Area: Displaced Pers Demolition/Cle Railroad Involvement	ription of the right of way income and Yes N	No $26-50$ Easement 25 No No	51-100>100 5,000 Sq Ft
Cost Estimates Support Costs	\$0-\$25,000 \$25,001-\$100,000 \$100,001-\$250,000 \$250,001-\$500,000	\$500,00 \$1,000, \$5,000, \$5,000,	001-\$5,000,000 001-\$10,000,000
Capital Costs	\$0-\$100,000 \$100,001-\$500,000 \$500,001-\$1,000,000 _\$1,000,001-\$5,000,000	\$15,000, \$50,000,	001-\$15,000,000 ,001-\$50,000,000 ,001-\$100,000,000
Schedule	, \$1,000,001 \$2,000,000		00,000
Right of Way will reg	uire 12 months to deliver a	Right of Way	Certification #1 from Final

Right of Way will require <u>12</u> months to deliver a Right of Way Certification #1 from Final R/W Maps. This estimate is based on a Right of Way Certification date of <u>July 2018</u>.

Areas of Concern

Provide a description of areas in close proximity to the project footprint that are likely to result in complex right of way issues if impacted (i.e. junkyards, cemeteries, utility towers, etc.).

If impacted, the existing Deer Springs Oak Mobile Home Estates located south of Deer Springs Road and west of I-15 that could potentially result in complex right-of-way issues. However, none of the proposed build alternatives are expected to impact this area.

Assumptions and Limiting Conditions

Provide a description of assumptions and limiting conditions.

Capital costs were based on a square foot estimate of the land area required and the Automated Valuation Model (AVM) of the adjacent parcels.

LEVEL 2	- RISK	REGISTE	R	Project Name:	I-15/Deer Springs	Rd Interchange	DIST- EA	11-41840K	Project Manager		Ismael	Salazar				
				Risk Ide	ntification	-				isk Assessm	ent			Risk Response		
Status	ID#	Type	Category	Title	Risk Statement	Current status/assumptions	Probability	Cost Impact	Cost Score	Time Impact	Time Score	Rationale	Strategy	Response Actions	Risk Owner	Updated
Active	1	Threat	Environmental	Environmental analysis incomplete	Design could require modification as a result of identifying additional environmental impacts.	At this stage of the design, there is limited information related to the project footprint, which makes it difficult to determine potential impacts to adjacent environmental resources. If encroachment occurs, opportunities to reduce encroachment should be explored, which could affect the design.	3-Moderate	4 -Moderate	12	4 -Moderate	12		Accept	Prior to completion of the technical studies, a more detailed design will be provided. Complete environmental studies in the PA&ED phase.	Environmental	8/10/2015
Active	2	Threat	Environmental	New information after Environmental Document is completed may require re- evaluation or a new document (i.e. utility relocation beyond document coverage)	Delay in RTL and construction due to additional environmental documentation and processing	The environmental review process is expected to identify all potential environmental impacts and define appropriate mitigation.	1-Very Low	4 -Moderate	4	4 -Moderate	4		Accept	Prior to project approval, the project team will work together to identify design elements that would require a re-evaluation or new document.	Environmental	8/10/2015
Active	3	Threat	Environmental	Design changes require modification to the project footprint. Subsequiently, additional environmental analysis may be required.	Environmental studies could require modification as a result of design changes.	At this stage of the design, there is limited information available to determine all of the design parameters.	3-Moderate	4 -Moderate	12	4 -Moderate	12		Accept	Prior to completion of the technical studies, a more detailed design will be provided.	Environmental / Design	8/10/2015
Active	4	Threat	ROW	Landowners unwilling to sell	Difficult properly acquisitions could warrant eminent domain, which could delay the project schedule.	Only a small number/amount of property acquisitions are expected to be required for the project.	2-Low	2 -Low	4	4 -Moderate	8		Mitigate	Identify right-of-way needs and determine the number of impacted parcels as early as possible.	Project Management / R/W	8/10/2015
Active	5	Threat	Environmental	Local communities pose objections	Local communities object to project related elements.	Project is not expected to adversely impact the local communities.	3-Moderate	2 -Low	6	4 -Moderate	12		Avoid	Avoid design features that could adversely impact the local communities. If necessary, provide public outreach to communicate project benefits and impacts to the community.	Project Management / Environmental	8/10/2015
Active	6	Threat	Design	Stakeholders request late changes or have unreasonably high expectations	Design could change and delays could occur as a result of additional stakeholder requirements or late requests.	All known stakeholders have been involved in the early phases of project development.	1-Very Low	2 -Low	2	4 -Moderate	4		Mitigate	During PA&ED, the project will complete a stakeholder analysis and then develop a stakeholder sequirements register. The project team will include all known stakeholders at the early phases of the project, which include Caltrans, San Diego County, FHWA, and Newland Real Estate group.	Project Management / Design	8/10/2015
Active	7	Threat	ROW	Threat of lawsuits	Project may be viewed by others as having adverse impacts. Opposition to the project could cause delays to the schedule or hinder the approval of what could be the most viable alternative.	Project is not expected to cause adverse impacts.	3-Moderate	4 -Moderate	12	4 -Moderate	12		Avoid	Avoid design features that could cause adverse impacts. If necessary, provide public outreach to communicate project benefits.	Project Management / R/W	8/10/2015
Active	8	Threat	Organizational	Reviewing agency requires longer than expected review time	As a result of the need to receive approval from multiple reviewing agencies (County of San Diego and Caltrans), the possibility of project delays during approval could occur which would result in an increased project schedule.	It is not expected that lengthy delays will occur.	3-Moderate	2 -Low	6	4 -Moderate	12		Mitigate	During the approval process, the team will investigate processing times of the agencies to ensure timely responses and the efficient transfer of information.	Project Management	8/10/2015
Active	9	Threat	Construction	Construction or pile driving noise and vibration impacting adjacent businesses or residents	As a result of construction activities, the need to provide additional environmental mitigation may occur, which would lead to additional project costs and schedule delays.	Due to piles being included in the structure design, specifications will be included to limit construction noise.	3-Moderate	4 -Moderate	12	4 -Moderate	12		Mitigate	Indicate on the plans and in the specifications to require the contractor to use construction methods or time windows that reduce the noise and vibration impacts to the surrounding communities.	Office Engineer	8/10/2015
Active	10	Threat	Design	Unexpected geotechnical or groundwater issues	As a result of the structures that are required, and since no preliminary geotechnical work has been completed, the presence of unexpected subsurface conditions may occur which would lead to more complex structure designs and higher construction costs.	Geotechnical investigations will occur in the PA&ED phase.	2-Low	2 -Low	4	2 -Low	4		Accept	A Geotechnical Design Report and Structures Foundation Report will be prepared in the PA&ED phase to better define the subsurface conditions.	Design	8/10/2015

Active	11	Threat	Design	New or revised design standard	Standards are always changing and the introduction of new requirements could lead to additional construction costs and potential ROW impacts.		3-Moderate	2 -Low	6	2 -Low	6	Accept	The project will be required to comply with the latest design standards.	Design	8/10/2015
Active	12	Threat	DES	existing structure or surrounding soil; lead paint, contaminated soil, asbestos	As a result of the project impacting existing structures and surrounding soil, discovery of hazardous waste may occur. If not appropriately identified, it could cause delay to project schedule.	Hazardous material investigations will occur in the PA&ED phase.	3-Moderate	2 -Low	6	2 -Low	6	Mitigate	An Initial Site Assessment will be completed during PA&ED to idenify hazardous materials located within the project limits. If structure takes are likely then the specific buildings will be surveyed during PA&ED phase.	Environmental / Design	8/10/2015
Active	13	Threat	DES			Aesthetic requirements are expected to be identified during the PA&ED phase.	2-Low	2 -Low	4	2 -Low	4	Accept	Coordinate with the appropriate stakeholders aesthetic requirements during the PA&ED phase. Once identified, aesthetic requirements will be incorporated into the project.	Environmental / Design	8/10/2015
Active	14	Threat	ROW	more time than planned		Utility conflicts and relocation requirements are expected to be determined before any delays to the project would occur.	3-Moderate	4 -Moderate	12	4 -Moderate	12	Mitigate	The project team will work with the utility companies to ensure delays do not occur.	Design / R/W	8/10/2015
Active	15	Threat		Resolving objections to Right of Way appraisal takes more time and/or money	delays to the project schodule	Right-of-way acquisitions are expected to begin early enough to avoid delays to the project schedule.	2-Low	2 -Low	4	4 -Moderate	8	Mitigate	Begin right-of-way acquisitions early enough to help avoid potential delays to the project schedule.	Project Management / R/W	8/10/2015
Active	16	Threat		Seasonal requirements during utility relocation	relocated during certain times of the	Limited utility impacts are expected. Subsequently, seasonal requirements are not expected.	2-Low	2 -Low	4	4 -Moderate	8		Seasonal requirements will be identified during the PA&ED phase.	Environmental / R/W	8/10/2015
Active	17	Threat	Organizational		Due to processing guidelines, schedule delays could occur.	It is not expected that lengthy delays will occur.	3-Moderate	2 -Low	6	4 -Moderate	12	Accept	Investigate in advance of and conform to all Caltrans and County requirements.	Project Management	8/10/2015
Active	18	Threat	Organizational		Due to agency workload, delays in project schedule could occur.	Project schedule will be provided at the beginning of the PA&ED phase.	3-Moderate	2 -Low	6	4 -Moderate	12	Mitigate	Coordinate anticipated submittal dates to help functional units schedule adequate resources. A workload agreement will be coordinated prior to the completion of the schedule.	Project Management	8/10/2015

ATTACHMENT H STORMWATER DOCUMENTATION

APPENDIX E Submitted 8-06-2015 (PSR-PDS)

I-15 / Deer Springs Interchange Long Form - Storm Water Data Report

	Dist-Cour	ity-Route:		11	-SD-015	
	Post Mile	Limits:		PM R	36.0/R37.2	
	Project Ty	/pe:		Interchange	e Reconfigu	ration
	Project ID	(or EA):		11-140000	93 (11-418	340K)
	Program	Identificati	on:		*	
	Phase:		\boxtimes	PID		
Caltrans*				PA/ED		
www.				PS&E		
Regional Water Quality Control Board(s)			San Dieg	o RWCQB R	egion 9	
Is the Project required to consider Treat If yes, can Treatment BM		d into the	project?		Yes ⊠ Yes ⊠	No 🗆
	l Data Report mu prior to the proje			RWQCB List RTL	Date:	
Total Disturbed Soil Area:	30 ACRES		Risk Leve	t:	2	
Estimated: Construction Start Date:	May 2018	Con	- Istruction Co	ompletion Da		ril 2020
Notification of Construction (NOC) Date	to be submitted:	January				
Erosivity Waiver		Yes 🗆	Date:		N	lo 🛛
Notification of ADL reuse (if Yes, provide	date)	Yes 🗆	Date:			lo 🛛
Separate Dewatering Permit (if yes, perm	nit number)	Yes 🗆	Permit #			0 🛛
This Report has been prepared under the technical information contained herein an based. Professional Engineer or Landscap	d the date upon w	hich recom	mendations	, conclusions		
Paul Kosinski, Registered Project Engine	er/Landscape Ar	chitect		- 01	0/2015	Date
I have reviewed the stormwater quality de	sign issues and fin	d this repo	rt to be com	plete, curren	t and accura	11.75
	Ismael Sala	zar, Project	: Manager			Date
	Terry Kloep	fer, Designa	ated Mainter	ance Repres	sentative	Date
	Tim Mann,	Acting Land	Iscape Archi	tect Represe	ntative	Date
(Stamp Required for PS&E only)	Carl Savage	, District SV	N Coordinate	or		Date

STORM WATER DATA INFORMATION

1. Project Description

• Clearly describe the type of project and major engineering features.

The project proposes to widen Deer Springs Road from west of Mesa Rock Road to east of Centre City Parkway/Champagne Boulevard. The widening will require improvements to or replacement of the existing Deer Spring Road Bridge Overcrossing. In addition, improvements to intersections and freeway access ramps will also be required. The proposed project is located at the existing Interstate 15 (I-15)/Deer Springs Road Interchange between Mesa Rock Road and Champagne Boulevard.

The purpose of the Deer Springs Road Interchange modifications is to alleviate existing traffic congestion and improve interchange traffic operations to meet 2040 forecasted traffic demands. The improvements to Deer Springs Road and the I-15/Deer Springs Road Interchange are off-line improvements required to implement the Sierra Project. The Sierra Project is a proposed master-planned community project integrating residential, commercial, recreational, and open space land uses, on 1,985-acres located west of I-15 and north of Deer Springs Road. Currently Deer Springs Road is a two lane facility and the on and off ramps for the I-15 interchange are single lanes. The interchange and adjacent intersections are currently over capacity. With forecasted regional growth including the addition of the Sierra Project, improvements will be needed to reduce the congestion in the area.

Quantify total disturbed soil area and describe how it was calculated. It should be noted that projects
that preserve, upkeep, and restore roadway structures do not need to include these activities within the
calculation for DSA.

The total disturbed soil area of the project has been estimated to be approximately 30 acres for each build alternative. This value is based on potential areas of exposed, erodible soil within the project limits that result from the construction of grading and roadways.

 Quantify the existing impervious surface, and the impervious surface area after the project is completed.

There are 12 acres of existing impervious surface within the project limits. The proposed project would add between 1.5 acres to 4.5 acres, depending on which alternative, of impervious surface for a total impervious area of 13.5 to 16.5 acres.

Identify all urban MS4 areas within the project limits.

The project is located in Hidden Meadows, an unincorporated community of San Diego County. Within the project limits, the San Diego County operates under an MS4 permit that includes storm drain inlets, concrete ditches, natural dirt ditches, and Deer Springs Creek which crosses the I-15 south of Deer Springs Road Interchange, through a 10-foot by 5-foot Reinforced Concrete Box (RCB).

2. Site Data and Storm Water Quality Design Issues (refer to Checklists SW-1, SW-2, and SW-3)

Project Engineer (PE) should confer with District/Regional Storm Water Coordinator, Landscape Architecture, Maintenance, Hydraulics, Construction and Environmental Units to define design issues.

Provide a narrative that contains pertinent information from source documents identified on SW-1 (e.g. Preliminary Geotechnical Report [PGR]) and a summary of the answers to the questions in SW-2 and SW-3. Use the bullets listed below as examples of information that should be described in the narrative. Note, not all of the information listed is available at each phase of a project (document status of availability, as appropriate). Information to be included will depend on the nature of the project and the site conditions.

 Identify Receiving Water Bodies (including the Hydrologic Area or sub-area [name and/or number]) and distance from the project's outfalls

Storm water runoff from the project site discharges into Deer Springs Creek through a system of inlets, culverts, natural channels and concrete channels. Deer Springs Creek flows south and westerly to San Marcos Creek which joins into Batiquitos Lagoon and ultimately discharges into the Pacific Ocean.

The San Diego Regional Water Quality Control Board (SDRWQCB) Region 9 has jurisdiction within the project limits. The project discharges into the SDRWQCB hydrologic unit 904.5, known as the San Marcos Hydrologic Area comprised of three Hydrologic Sub-Areas: Twin Oaks 904.53, Richland 904.52, and Batiquitos 904.51. The San Marcos Hydrologic Area is one of seven hydrologic areas within the Carlsbad Hydrologic Unit, see Figure 2.1.

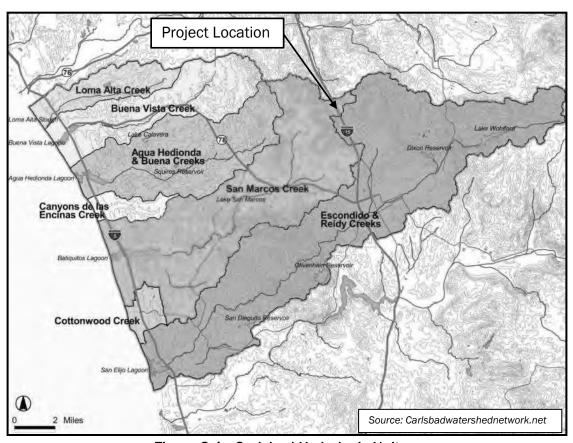


Figure 2.1: Carlsbad Hydrologic Unit

Identify if any of the Receiving Water Bodies are on the 303(d) list / describe Pollutants of Concern
 The San Marcos Creek is an impaired water body on the 303(d) list. Since the California Department of Transportation (Caltrans) must meet requirements set forth

I-15 / Deer Springs Interchange Long Form - Storm Water Data Report

under the National Pollutant Discharge Elimination System (NPDES) Permit mandated by the Federal Clean Water Act for discharge of storm water runoff to the Pacific Ocean, this project will need to be designed in conformance with NPDES requirements. The pollutants listed for San Marcos Creek on the 303(d) list are DDE (Dichlorodiphenyldichloroethylene), Phosphorus, Sediment Toxicity, and Selenium.

- Phosphorus can over stimulate the growth of aquatic plants to the detriment of other aquatic life and to some beneficial uses of the receiving water. Sources of phosphorous that may be present in highway runoff include tree leaves, surfactants, emulsifiers, and natural sources such as mineralized soil organic matter.
- DDE is a chemical similar to DDT (dichloro-diphenyl-trichloroethane), which
 was a pesticide once use widely to control insects in agriculture and insects
 that carry disease such as malaria. It was banned in the US in 1972 due to
 damage to wildlife. DDE has no commercial use.
- According to the California Coastal Commission, phosphorus, DDE, and sediment toxicity result primarily from urban runoff/storm sewers. The project will be mitigated by the use of Construction Site Best Management Practices (BMPs) and Permanent Treatment BMPs to prevent and minimize the discharge of pollutants contained in storm water runoff to the affected waterbodies.

The potential pollutant sources within the project right-of-way to be treated consist primarily of highway runoff. These items for the most part include total suspended solids (TSS) and total dissolved solids (TDS), specifically sediment resulting from erosion, but also including particulate and dissolved metals from the wearing of brake pads and the combustion products of fossil fuels as well as grease and oil from automobiles. The Targeted Design Constituent (TDC) for the receiving water is Phosphorus. The Permanent Treatment BMPs proposed for load reduction of the projects pollutants will address treatment for Phosphorus along with the anticipated pollutants expected in the project vicinity: TSS, TDS, Dissolved metals, grease and oil.

- Identify if 401 certification is required
 - A 401 certification will not be required because the project does not discharge to navigable waters.
- Identify any Drinking Water Reservoirs and/or Recharge Facilities within project limit
 - There are no known drinking water reservoirs and/or recharge facilities located with the project limits.
- Describe RWQCB special requirements/concerns, including TMDLs or effluent limits
 - The SDRWQCB developed a Water Quality Control Plan for the entire San Diego Basin. The plan identifies the beneficial uses of all water bodies within the region in order to determine the water quality objectives necessary to protect those uses. The beneficial uses of inland surface waters defined for the receiving waters within the Twin Oaks Hydrologic Sub-Area are as follows:
 - o Agricultural Supply (AGR) Water for farming, horticulture, or ranching
 - Water Contact Recreation (REC1) Water for recreational activities involving body contact with water

- Non-contact Water Recreation (REC2) Water for recreational activities not involving body contact with water
- Warm Freshwater Habitat (WARM) Water that supports aquatic ecosystems
- Wildlife Habitat (WILD) Water that supports terrestrial ecosystems

The beneficial uses defined for groundwater within the Twin Oaks Hydrologic Sub-Area are as follows:

- Municipal and Domestic Supply (MUN) Water for community, military, or individual water supply systems
- Agricultural Supply (AGR) Water for farming, horticulture, or ranching
- Industrial Service Supply (PRO) Water for industrial activities that do not depend primarily on water quality

NPDES permit Order (2012-0011-DWQ) was adopted by State Water Resources Control Board (SWRCB) effective as of July 1, 2013 and subsequently, On May 20, 2014, the SWRCB, adopted amendments to the Caltrans Statewide Stormwater Permit. Attachment IV was amended to incorporate specific requirements for 84 Total Maximum Daily Loads (TMDLs).

Attachment IV to the Caltrans NPDES permit outlines a methodology for prioritizing stream segments included in TMDLs in which Caltrans is subject to. The permit establishes BMP implementation requirements, evaluated in terms of compliance units. Caltrans is expected to achieve 1650 compliance units per year through the implementation of retrofit BMPs, cooperative implementation, and post construction treatment beyond permit requirements. This prioritization list is currently in development.

Describe local agency requirements/concerns

The project area does not have any High Risk Areas such as municipal or domestic water supply reservoirs or ground water percolation facilities.

- Describe project design considerations (climate, soil, topography, geology, groundwater, right-of-way requirements, slope stabilization, etc.)
 - The Caltrans March 2003 Construction Site Best Management Practices (BMPs) Manual, Table 2-1 designates the rainy season dates for Region 11 (San Diego County) from October 1 through May 1, but due to the minimal amount of rain received yearly in the southern California region, there are no construction work exclusion dates or seasonal construction restrictions required by state or local regulatory agencies.
 - The Caltrans Water Quality Planning Tool calculates the annual rainfall in the project area as 18.61 inches.
 - Based on the soil HSG Classification, Group B (County of San Diego Hydrology Manual Appendix A) within the project vicinity, it is estimated that the existing typical infiltration rates are <0.3 in/hr (Caltrans Storm Water Quality Handbook Project Planning and Design Guide pg. B-14).
 - Rainfall intensity information for the project location will be obtained from NOAA.

- More detailed information on the geology in the area will be added to this report upon the completion of the Geotechnical Design Report.
- The site exhibits variable topography from hilly and rugged ridges, peaks, and mesas to gently rolling valleys. Given the orientation of the cut slopes, stabilization is not needed. Fill slopes will be constructed at a ratio of 4:1 (H:V) and cut slopes at a ratio of 2:1 (H:V).
- Elevations within the project limits vary between 942 and 1057-feet above mean sea level (NAVD 88). Improvements within the project area will minimally impact the topographic and ground surface relief features.
- Right-of-way impacts for the project involve acquisition of temporary construction easements, permanent easements, and partial takes near state right-of-way or on private property.
- The local land use within the project area and adjacent areas consist primarily of undeveloped private land.
- There is no dry weather flow from Caltrans right of way present on the existing project area.

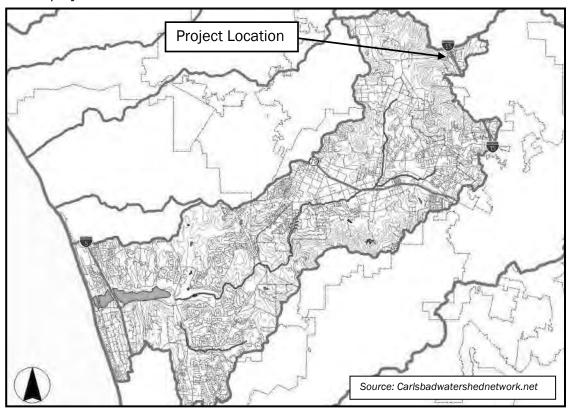


Figure 2.2: San Marcos Hydrologic Area Topography

• Describe project risk level determination and identify project risk level

The Risk Level (RL) for this project was determined using the Caltrans Project Risk Determination Guidance. Of the 3 levels established by the Construction General Permit (CGP), this project has a Risk Level of 2. The RL is calculated in two parts: 1) Project Sediment Risk (SR), and 2) Receiving Water Risk (RWR). For this project, SR is

Medium and RWR is high. The Risk determination Worksheet is provided in Attachment C.

- - There are no known contaminated or hazardous soils within project limits at this time.
- Identify Right-of-way costs for BMPs

Construction and Maintenance of BMPs would be within the right-of-way limits and no additional right-of-way is required. Adequate funding, including supplemental funds, will be set aside for storm-water pollution control during construction.

• Describe measures for avoiding or reducing potential stormwater impacts

For project areas exceeding 1-acre in disturbed soil area, NPDES guidelines necessitate the development of a Storm Water Pollution Prevention Program (SWPPP) by the contractor prior to construction to establish project-specific permanent and temporary BMPs. During the design phase, Water Pollution Control Plans will be prepared to determine the minimum control requirements to be included in the SWPPP.

Within the graded regions along the freeway, runoff will be collected by biofiltration swales or detention basins prior to discharging into Deer Springs Creek.

Standard erosion control practices will be implemented to minimize soil erosion following construction activities. Typical measures utilized during construction include applications of fiber rolls for slope stability and sediment control, temporary construction entrances to prevent sediment tracking on paved surfaces, temporary drainage inlet protection, temporary concrete washouts for concrete spoils, street sweeping, contour grading, temporary check dams and temporary hydraulic mulch or soil binders/tackifiers.

Permanent erosion and sedimentation control features may include but will not be limited to the following: hydroseeding of steeper cut slopes, permanent fiber rolls, erosion control blankets, rip-rap, and improvement of drainage facilities to handle excess runoff.

The project alignment will be chosen to minimize impacts on receiving waters by limiting cut and fill slopes, minimizing disturbance of vegetation, and avoiding formations difficult to re-stabilize. Cut and fill slopes will be made as flat as feasible, and concentrated flows shall be collected in stabilized drains and channels. Benches are not required on slopes 2:1 (H:V) or flatter and the proposed slopes are not large enough to warrant the need of benches. Slopes will be vegetated, rounded or shaped to reduce concentrated flows and will be collected in stabilized drains and channels. Maintenance pullouts are recommended adjacent to the interchange ramps to provide Maintenance and Operations personnel safe access. In addition, native, drought-tolerant plant species may be recommended to minimize landscaping maintenance requirements.

Runoff from painted materials can cause a decrease in water quality. For this reason, the proposed improvements will limit the use of paint in architectural treatment. Textures will be used where appropriate to minimize the usage of paint and other related chemicals that may potentially contribute to storm water pollution.

The modifications to the interchange ramps will require additional drainage crossovers, inlets and outlets. If the proposed conditions are found to increase

existing flow velocities, mitigation through the use of outlet velocity dissipation or bioswale devices will be implemented. These BMPs will also be utilized as permanent storm water pollution controls early in the construction process to provide additional protection.

• Identify any existing Treatment BMPs within the project limits and their association with the project The project site currently contains no existing Treatment BMPs.

3. Regional Water Quality Control Board Agreements

The District/Regional NPDES coordinator will furnish information and language for this part of the Checklist.

• Summarize any key negotiated understandings or agreements with RWQCB pertaining to this project. This would include any discussions relating to 401 Certifications, Waste Discharge Requirements, Rainfall Erosivity Waiver, or other required permits/certifications.

This project does not require any negotiated understandings or agreements with RWQCB at this time.

This project conforms to NPDES-Caltrans Statewide Permit (Order No. 2012-001-DWQ) (NPDES No.CAS000003) and General Construction Permit (Order No. 2012-0006-DWQ) (NPDES CAS000002) apply to this project. The project owner will file a Notice of Intent (NOI) with the State Regional Water Quality Control Board at least 30 days prior to start of construction.

 Document any specific meeting dates and contact names that reference the negotiated understandings and/or agreements. (Communication with the RWQCB is coordinated through the District/Regional NPDES Storm Water Coordinator.)

To date no meetings have been held with the San Diego RWQCB to discuss this project and no agreements have been made.

4. Proposed Design Pollution Prevention BMPs to be used on the Project.

Summarize responses to Checklist DPP-1, Parts 1-5 in a short narrative. Use the sub-headings shown below for the type of information that should be described in the narrative. Note, not all of the bulleted information listed is required or available at each phase of a project. Information to be included will depend on the nature of the project and the site conditions. To comply with the CGP (II.D), sediment yield and site stabilization be described in the permanent erosion control strategy, such that the site will not pose any additional risk than pre-construction conditions.

Summarize any qualitative benefits of Design Pollution Prevention BMPs including reducing the release of pollutants to downstream waters, increased detention time to allow for infiltration, reduced discharges (volumetric flow rates), and ancillary filtration and infiltration within vegetated conveyances and surfaces, as described in Section 2.4.1.

Develop an estimate of quantities and costs for the erosion control/revegetation portion of the Design Pollution Prevention BMPs as part of the Storm Water BMP Cost Summary; include right-of-way costs if additional right-of-way is needed for erosion control. Complete for each phase of the project.

Downstream Effects Related to Potentially Increased Flow, Checklist DPP-1, Parts 1 and 2

- Identify any increase to velocity or volume of downstream flow
- Describe Existing vs. Post Construction Conditions
- Describe channel condition and design (e.g., will the project discharge to unlined channels)

- Describe potential for increased sediment loading
- Identify hydraulic changes that may affect downstream channel stability. (realignment, encroachment, etc.)

The project may increase the velocity of flow within the project limits, but should have a negligible effect on downstream flow. During the construction phase of the project, conveyance systems will lead to biofiltration swales, or outlet velocity dissipation devices, which will minimize sediment discharges and will prevent an increase in peak flows discharged to receiving water bodies. All transitions between outlets and channels will be smooth to reduce turbulence and scour. Roadway runoff shall be treated and controlled to the maximum extent practical. The project will not encroach, cross, realign, or cause any other hydraulic changes to Deer Springs Creek that may affect downstream channel stability.

Slope/Surface Protection Systems, Checklist DPP-1, Parts 1 and 3

- Describe cut and fill requirements
- Describe existing and proposed slope conditions
- Describe the permanent erosion control strategy (plants, soils, mulch, blankets, establishment periods, etc.)
- Use Erosion Prediction Procedure to validate erosion control design (attach RUSLE2 Output as applicable)
- When required, provide date of approval of the Erosion Control Plan by Landscape Architecture and Maintenance
- Summarize any hard surfaces (rock blankets, paving)

Conventional cut and fill grading techniques will be used to produce the proposed grades. Both cut and fill slopes will be constructed 2:1 of flatter and be less than 15 feet high. The existing slopes are both stable and vegetated with rounded shapes to reduce concentrated flow.

The existing slopes within the area are stable; however, during construction soil stabilization BMPs will be utilized to prevent soil particles from detaching and becoming suspended in storm water and non-storm water runoff.

These BMPs may include the following:

- The preservation of existing vegetation where required and when feasible;
- The implementation of temporary soil stabilization measures at regular intervals throughout the rainy season;
- The stabilization of non-active areas within 14 days of cessation of construction activities during the rainy season;
- The application of erosion control seeding or check dams for concentrated flow paths; and
- The application of permanent erosion control to remaining disturbed soil areas at the completion of the construction phase. Soil stabilization will involve the installation of uniform vegetative cover, fiber matrices, erosion control blankets, and/or fiber rolls.

The aforementioned BMPs will be deployed in a sequence to follow the progress of grading and construction. As the locations of soil disturbance change, erosion controls will be adjusted accordingly to control storm water runoff at the downgrade perimeter.

Move-in/move-out (temporary and permanent erosion control) for the project shall include moving onto the project when an area is ready to receive temporary erosion control, setting up required personnel and equipment for the application of erosion control materials and moving out all personnel and equipment when erosion control in that area is completed.

Existing vegetation within the project limits consists primarily of desert brush. The soil type within the project limits range from loamy-sand, to areas of silt or clay. A Landscaping Design shall be developed and approved by the District Landscape Architect. The BMP vegetative surface area will feature native plants. Seed mixtures, mulch, tackifier, and fertilizer recommended by the District Landscape Architect will be utilized.

Hard surface protection (slope paving, rock slope protection) will be constructed beneath the bridge abutments where vegetation does not provide adequate erosion protection. In addition, hard surface BMPs are planned at the gore points within the interchanges for maintenance and safety purposes.

The total BMP area will be determined during the design stage of the project.

Concentrated Flow Conveyance Systems, Checklist DPP-1, Parts 1 and 4

- Briefly describe the Concentrated Conveyance Systems to be implemented for this project
 - The exact locations and sizes of the drainage system components have not yet been determined. However, the project Drainage Report shall contain designs with the following general features:
 - Surface runoff will be conveyed via curb and gutter, to inlets. Flared end sections and riprap material are proposed at the outlets of the storm drains to reduce the flow velocities of the discharged storm water.
 - Bridge runoff will be collected in a bridge drainage system and conveyed to proposed treatment BMPs.

It shall be the intent of the drainage design to prevent increases to existing flow velocities through the use of grading, energy dissipaters, and bio-swales. The drainage report shall include an analysis of flows at the outlets of the project to determine impacts. Offsite drainage patterns will be maintained and onsite drainage patterns will be designed to closely mimic existing drainage patterns.

Preservation of Existing Vegetation, Checklist DPP-1, Parts 1 and 5

- Describe area(s) of clearing and grubbing identified and defined in the contract plans
 Clearing and grubbing will be performed on all areas located within the cut/fill.
 Clearing and grubbing limits will not be identified at this phase.
- Describe area(s) that will be placed off-limits to the contractor, if applicable (e.g., ESA areas)
 Areas to be placed off-limits to the contractor have not been identified at this time.
 Locations will be shown on plans.

 Consider project changes to increase preservation or preserve/avoid critical areas such as floodplains, wetlands, problem soils, and steep slopes.

Preservation areas will not be identified at this project phase. Locations identified on project drawings will be fenced during construction.

5. Proposed Permanent Treatment BMPs to be used on the Project

Summarize responses to Checklist T-1, Parts 1-10 in a short narrative. Use the bullets listed below as examples of information that should be described in the narrative. Note, not all of the information listed is required or available at each phase of a project. Information to be included will depend on the nature of the project and the site conditions.

Develop an estimate of quantities and costs for the proposed Treatment BMPs as part of the Storm Water BMP Cost Summary; include additional right-of-way costs if needed for these BMPs. Complete for each phase of the project.

This section of the SWDR should be used to develop the Technical Report required by the SWMP for projects that must consider Treatment BMPs, but are not able to incorporate them due to siting constraints. At PS&E stage, if the project must consider Treatment BMPs but is not able to incorporate them, document the date of the submittal of the Technical Report to the appropriate RWOCB.

Treatment BMP Strategy, Checklist T-1

• List the Targeted Design Constituent(s), if any.

The TDC for the project is phosphorous.

• List what percentage of the WQV (or WQF depending upon device) will be treated. If less than 100%, describe justification.

The goal of the project will be to treat 100% of the WQV/WQF. A more accurate number will be obtained at the design phase.

• Describe the Treatment BMP strategy for the watershed(s) within the project limits.

Phosphorus has been identified the first priority design pollutant for the proposed project due to the concentrations of phosphorus in the receiving waters of San Marcos Creek. The project will also address the anticipated pollutants expected in the project vicinity: TSS, TDS, Dissolved metals, grease and oil. Mitigation for short and long-term impacts to water quality is proposed through incorporating biofiltration swales, detention basins or Austin Sand Filters. Biofiltration swales and detention basins have a low to medium removal effectiveness for Sediment and Nutrient targeted constituents and are also considered sufficient treatment for Metals and Pathogens, per Caltrans Stormwater BMP website. Austin Sand Filters primarily remove TSS, dissolved metals, litter, and are effective at removing phosphorus, per BMP Retrofit Pilot Program, FINAL REPORT, January 2004.

The preliminary locations identified that could house a treatment BMP feature are in the southeast and southwest quadrants of the interchange. These BMPs should intercept and treat rainfall runoff from the roadway and assist in achieving future TMDL requirements. The biofiltration swales could potentially be placed on the shoulders of the ramps.

Biofiltration Swales/Strips, Checklist T-1, Parts 1 and 2

• Are Biofiltration Swales/Strips incorporated into project? If not, explain reason why not feasible. If yes, list number of Biofiltration Swales and Strips, location(s), approximate dimensions of device, and total WQF treated.

Biofiltration BMPs are a potential Treatment BMP.

Quantify Tributary Area

Tributary areas will not be determined at this project phase.

Biofiltration BMPs are linear channels that are lined with vegetation for the purpose of storm water conveyance and treatment. Biofiltration swales are designed to reduce the velocity of storm water runoff at the water quality event and remove particulate pollutants. These swales provide moderate to low treatment efficiencies for particulate and dissolved metals, grease and oil, and Total Suspended Solids (TSS). Most of the proposed biofiltration swales will follow existing and proposed roadway slopes, with some additional excavation required. They will also be designed to minimize flow depth, minimize flow velocity, maximize length, and eliminate standing water. The scour velocity for the type of soil will not exceed 4.0-feet per second per Table B-1 Summary of Biofiltration Strips and Swales Sitting and Design Factors, of the Caltrans PPDG, July 2010.

Although the overall pavement area will increase, proposed biofiltration swales and grading modifications will reduce the increased flow rates to minimize additional storm water runoff to the Deer Springs Creek. These discharges will be treated through settling, infiltration and biofiltration as they pass slowly through the flat, vegetated, trapezoidal channel and into an inlet with apron.

Biofiltration swales require maintenance responsibilities including:

- Periodic sediment removal
- o Trash, debris and vegetation removal
- Vegetation Management
- Animal/Vector control
- Removal of standing water
- Erosion and structural maintenance

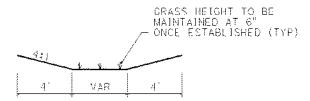


Figure 5.1: Biofiltration Swale Cross-Section

The cross-section of the swales will be trapezoidal with a minimum top width of 12-feet, minimum depth of 1-foot and side slopes of 4:1 or flatter. The swales will be designed for both the water quality storm and the 25-year storm. For the water quality storm, the runoff shall have a minimum hydraulic residence time of 5 minutes, maximum flow velocity of 1-foot per second and maximum depth of 3-inches. For the 25-year storm, the storm water runoff shall have a maximum flow velocity of 4-feet per second, maximum depth of 1-foot, and a minimum freeboard of 6-inches below the edge of shoulder flow line. Swale grass heights will be maintained around 6-inches once established.

Dry Weather Diversion, Checklist T-1, Parts 1 and 3

• Are Dry Weather Diversions incorporated into project? If not, explain reason why not feasible. If yes, list number of Dry Weather Diversions, location(s), and total flow rate diverted.

- Describe persistent dry weather flows
- Describe proximity to sanitary sewer
- Document Publicly Owned Treatment Works (POTW) and local health agencies acceptance
- Identify need for existing sanitary sewer pipeline upgrade

Dry weather flow is not an issue within the project area. Dry weather diversion devices will not be incorporated into the proposed design.

Infiltration Devices - Checklist T-1, Parts 1 and 4

- Are Infiltration Devices incorporated into project? If not, explain reason why not feasible (e.g. threat to local groundwater quality, etc.). If yes, list number of Infiltration Devices, location(s), and total WQV treated.
- Quantify approximate tributary area of impervious surface per Infiltration Device
- Calculate Water Quality Volume (WQV) treated per Treatment Infiltration Device
- Document soil type, HSG, and permeability
- Document groundwater depth
- Identify infiltration rate
- Discuss Geotechnical Integrity

An infiltration basin is a device designed to remove pollutants from surface discharges by capturing the Water Quality Volume (WQV) and infiltrating it directly to the soil rather than discharging to receiving waters. An infiltration basin could be used depending on the height of the water table and the permeability of soil. These findings will be reported in the Geotechnical Design Report and then it can be concluded whether an infiltration basin would be an adequate BMP.

Detention Devices, Checklist T-1, Parts 1 and 5

- Are Detention Devices incorporated into project? If not, explain reason why not feasible. If yes, list number of Detention Devices, location(s), and total WQV treated.
- Quantify approximate tributary area of impervious surface per Treatment Detention Basin
- Calculate WQV treated per Treatment Detention Basin
- Discuss Geotechnical Integrity
- Document groundwater depth
- Discuss hydraulic head sufficiency

A detention basin is a permanent device formed by excavating and/or constructing an embankment so that runoff from the water quality design storm is temporarily detained under quiescent conditions, allowing sediment and particulates to settle out before the runoff is discharged. The design flows throughout the project limits will be influenced by the following parameters: pavement area changes, storm water conveyance extensions or modifications, and grading modifications.

The design of any detention basin will use the guidance provided in the Caltrans PPDG.

Gross Solids Removal Devices (GSRDs), Checklist T-1, Parts 1 and 6

- Are GSRDs incorporated into project? If not, explain reason why not feasible or required. If yes, list number of GSRDs, location(s), and total tributary area treated.
- Is receiving water on a 303(d) list for trash or have Total Maximum Daily Loads (TMDLs) for trash been established?
- Calculate Tributary Area for each GSRD
- Estimate volume of each GSRD device
- Identify peak design flow

Since the project site has no TMDL for trash or litter, GSRDs have not been proposed for the project improvements.

Traction Sand Traps, Checklist T-1, Parts 1 and 7

- Are Traction Sand Traps incorporated into project? If not, explain reason why not feasible or required. If yes, list number of Traction Sand Traps, location(s).
- Is Traction Sand or an abrasive applied to roadway more than twice per year?
- Estimate volume of traction sand applied (S) (ft³/yr)
- Estimate impact from highway sweeping, snow-blowing operations, or accumulation from other sources
- Discuss Traction Sand Trap cleaning frequency and Maintenance operational needs such as pullouts

Traction sand is not regularly applied within the project limits; therefore there are no Traction Sand Trap Devices within the project limits.

Media Filters, Checklist T-1, Parts 1 and 8

- Are Media Filters incorporated into project? If not, explain reason why not feasible. If yes, list number of Media Filters, location(s), and total WQV treated.
- Identify type of Media Filter incorporated: Full Sedimentation Austin Sand Filter, Partial Sedimentation Austin Sand Filter or Delaware Sand Filter
- If an Austin Sand Filter is incorporated into project, identify if earthen configuration or lined
- Is pretreatment provided to capture sediment and litter?
- Quantify approximate tributary area of impervious surface per Media Filter
- Identify Water Quality Volume (WQV) treated per Media Filter
- Identify depth to groundwater
- Discuss local vector agency issues

Media Filters remove fine sediment, particulate-associated pollutants, and sometimes dissolved pollutants. The normal configuration of such a device consists of an initial sedimentation basin or vault followed by a filtering vault that is lined with a media. Media Filters have been considered for the project location because they would treat for all the target pollutants. Media Filters have the potential to create a permanent pool of standing water where mosquito breeding is likely to occur and they are not preferred by vector control authorities. The filter material would require changing every three to five years along with standard detention basin maintenance. The construction costs are approximately three times that of a comparable sized detention basin. However, even with the increased construction and maintenance costs; media filters are being considered because, the TDC

for San Marcos Creek is Phosphorus and these treatment BMPs are more effective at reducing this pollutant load than other viable options.

Multi-Chambered Treatment Trains (MCTTs), Checklist T-1, Parts 1 and 9

- Are MCTTs incorporated into project? If not, explain reason why not feasible. If yes, list number of MCTTs, location(s), and total WQV treated.
- Quantify approximate tributary area of impervious surface per MCTT
- Identify Water Quality Volume (WQV) treated per MCTT
- Discuss local vector agency issues

Multi-chamber treatment trains use three treatment mechanisms in three different chambers. These include a catch basin with a sump, a sedimentation chamber with tube settlers and sorbet pads, and a filtering chamber lined with media. Similarly to Media Filters, MCTTs have the potential to create vector control issues, require excessive underground storage requirements, and additional maintenance. Therefore, MCTTs are not considered feasible for this project.

Wet Basins, Checklist T-1, Parts 1 and 10

- Are Wet Basins incorporated into project? If not, explain reason why not feasible. If yes, list number of Wet Basins, location(s), and total WQV treated.
- Quantify approximate tributary area of impervious surface per Wet Basin
- Identify Water Quality Volume (WQV) treated per Wet Basin
- Identify soil type and permeability
- Document groundwater depth

Wet basins (constructed wetlands) are permanent pools of water designed to mimic naturally occurring wetlands. The main distinction between construction and natural wetlands is that constructed wetlands are placed in upland areas and are not subject to wetland protection regulations. Wet basins are not practical BMP devices because they should only be considered when the site is located where the visual aesthetics of the permanent pool is a considered a benefit (e.g. roadside rest area or vista point). In addition, wet basins require a steady source of water to maintain a permanent pool and the flows from the project site are intermittent. Wet Basins are not a feasible BMP for the project.

6. Proposed Temporary Construction Site BMPs to be used on Project

Summarize the selected Construction Site BMPs in a Short Narrative. The narrative should also include any pertinent details from the strategy used for the implementation of Construction Site BMPs (e.g. specific project conditions, construction operations, etc.) and monitoring. It is understood that the level of detail discussed will be different at each phase of the project. Include a brief summary to how the BMPs were estimated.

- Identify those Construction Site BMPs that have been designated as separate Bid Line Items.
- Identify those Construction Site BMPs incorporated as a lump sum in the Construction Site Management Item.
- Identify project risk level. If Risk Level 2 or 3, then identify planned monitoring locations and activities.
- Identify if dewatering will be required during the construction of the project. Describe circumstances. (i.e. will a separate dewatering permit be needed?)

- Identify if active treatment systems (ATS) will be used for the site, or portions thereof.
- Document the coordination effort to get concurrence with Construction regarding the Construction Site BMP strategy and associated quantities (provide names of staff and date of meeting(s)). Attach a copy of the Construction Site BMP Consideration Form to the SWDR at PS&E.
- Develop an estimate of quantities and costs (for internal Caltrans use only) for Construction Site BMPs and monitoring as a part of the Storm Water BMP Cost Summary. Complete for each phase of the project.

Construction Site BMPs will not be evaluated at this project phase. Proposed temporary construction site BMPs will be designed with coordination from the construction representative.

7. Maintenance BMPs (Drain Inlet Stenciling)

Briefly describe locations where drain inlet stenciling is required, such as within cities, towns, and communities with populations of 10,000 or more, or within designated MS4 areas. Include any specific stencil types and names of contacts that recommended stencil types or locations.

All storm water draining into the underground pipe system is eventually discharged to the Pacific Ocean. The County of San Diego and Caltrans have endeavored to inform the public concerning the importance of preventing hazardous or poisonous materials from entering the storm water system. The County and Caltrans may use annotation on drainage inlets with stenciling stating "No Dumping – This Drains to Ocean." Stenciling should be used on the County streets where dumping will impact Deer Springs Creek, or in other areas recommended by the responsible agency. In addition, Caltrans Maintenance will "number" the drainage inlets, and amend the drainage inlet inventory for the District.

Attachments:

- A. Vicinity Map
- B. Evaluation Documentation Form (EDF)
- C. Risk Level Determination Documentation
- D. Checklist SW-1, Site Data Sources
- E. Checklist SW-2, Storm Water Quality Issues Summary
- F. Checklist SW-3, Measures for Avoiding or Reducing Potential Storm Water BMPs
- G. Checklists DPP-1, Parts 1–5 (Design Pollution Prevention BMPs)
- H. Checklists T-1, Parts 1, 2, 4, 5 & 8 (Treatment BMPs)
- I. 303(d) List of Receiving Waters
- J. Water Quality Standard Inventory Database
- K. BMP Cost: Project Planning Cost Estimate (PPCE)

Attachments Required at PS&E:

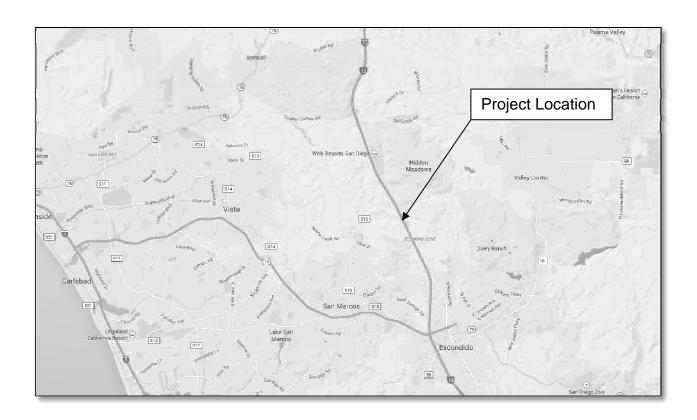
- Construction Site BMP Consideration Form
- SWDR Attachment for SMARTS Input
- RUSLE2 Summary Sheet, as applicable
- Treatment BMP Summary Spreadsheets



- Quantities for Construction Site BMPs
- Rainfall Erosivity Waiver, if applicable
- Storm Water BMP Cost Summary
- Preliminary Engineer's Cost Estimate (PECE) for PS&E project phase
- Plans showing BMP Deployment
- Pertinent Correspondence with RWQCB (if requested or recommended by District/Regional NPDES Storm Water Coordinator or Designated Reviewer)
- Checklists CS-1, Parts 1–6 (Construction Site BMPs)
- Calculations and cross sections related to BMPs (if requested by District/Regional Design Storm Water Coordinator)
- Section 13 2010 or (07-340 or 07-345 for 2006) (if requested or recommended by District/Regional Design Storm Water Coordinator)
- Conceptual Drainage Map or Drainage Plans, if available (if requested by District/Regional Design Storm Water Coordinator for review)

Attachment A

Vicinity Map



Vicinity Map

Attachment B

Evaluation Documentation Form (EDF)

DATE: <u>8/06/2015</u>

Project ID (or EA): <u>11-14000093 (11-41840K)</u>

NO.	CRITERIA	YES ✓	NO ✓	SUPPLEMENTAL INFORMATION FOR EVALUATION			
1.	Begin Project Evaluation regarding requirement for consideration of Treatment BMPs	✓		See Figure 4-1, Project Evaluation Process for Consideration of Permanent Treatment BMPs. Go to 2			
2.	Is this an emergency project?		✓	If Yes , go to 10. If No , continue to 3.			
3.	Have TMDLs or other Pollution Control Requirements been established for surface waters within the project limits? Information provided in the water quality assessment or equivalent document.		✓	If Yes , contact the District/Regional NPDES Coordinator to discuss the Department's obligations under the TMDL (if Applicable) or Pollution Control Requirements, go to 9 or 4. (Dist./Reg. SW Coordinator initials) If No , continue to 4.			
4.	Is the project located within an area of a local MS4 Permittee?	✓		If Yes . County of San Diego, go to 5. If No , document in SWDR go to 5.			
5.	Is the project directly or indirectly discharging to surface waters?	✓		If Yes , continue to 6. If No , go to 10.			
6.	Is it a new facility or major reconstruction?	✓		If Yes , continue to 8. If No , go to 7.			
7.	Will there be a change in line/grade or hydraulic capacity?			If Yes , continue to 8. If No , go to 10.			
8.	Does the project result in a <u>net</u> increase of one acre or more of new impervious surface?	√		If Yes , continue to 9. If No , go to 10. 1.5-4.5 AC (Net Increase New Impervious Surface)			
9.	Project is required to consider approved Treatment BMPs.	✓	See Sections 2.4 and either Section 5.5or 6.5 for BMP Evaluation and Selection Process. Complete Checklist T-1 in this Appendix E.				
10.	Project is not required to consider Treatment BMPs. RS (Dist./Reg. Design SW Coord. Initials) PK (Project Engineer Initials) 8/6/15 (Date)		Document for Project Files by completing this form, and attaching it to the SWDR.				

1 See Figure 4-1, Project Evaluation Process for Consideration of Permanent Treatment BMPs

Attachment C

Risk Determination

Sediment Risk Factor Worksheet

Entry

A) R Factor

Analyses of data indicated that when factors other than rainfall are held constant, soil loss is directly proportional to a rainfall factor composed of total storm kinetic energy (E) times the maximum 30-min intensity (I30) (Wischmeier and Smith, 1958). The numerical value of R is the average annual sum of El30 for storm events during a rainfall record of at least 22 years. "Isoerodent" maps were developed based on R values calculated for more than 1000 locations in the Western U.S. Refer to the link below to determine the R factor for the project site.

http://water.epa.gov/polwaste/npdes/stormwater/Rainfall-Erosivity-Factor-Calculator.cfm

R Factor Value

73.95

B) K Factor (weighted average, by area, for all site soils)

The soil-erodibility factor K represents: (1) susceptibility of soil or surface material to erosion, (2) transportability of the sediment, and (3) the amount and rate of runoff given a particular rainfall input, as measured under a standard condition. Fine-textured soils that are high in clay have low K values (about 0.05 to 0.15) because the particles are resistant to detachment. Coarse-textured soils, such as sandy soils, also have low K values (about 0.05 to 0.2) because of high infiltration resulting in low runoff even though these particles are easily detached. Medium-textured soils, such as a silt loam, have moderate K values (about 0.25 to 0.45) because they are moderately susceptible to particle detachment and they produce runoff at moderate rates. Soils having a high silt content are especially susceptible to erosion and have high K values, which can exceed 0.45 and can be as large as 0.65. Silt-size particles are easily detached and tend to crust, producing high rates and large volumes of runoff. Use Site-specific data must be submitted.

ftp://swrcb2a.waterboards.ca.gov/pub/swrcb/dwq/cgp/Risk/RUSLE/RUSLE K Factor/

K Factor Value

0.2

C) LS Factor (weighted average, by area, for all slopes)

The effect of topography on erosion is accounted for by the LS factor, which combines the effects of a hillslope-length factor, L, and a hillslope-gradient factor, S. Generally speaking, as hillslope length and/or hillslope gradient increase, soil loss increases. As hillslope length increases, total soil loss and soil loss per unit area increase due to the progressive accumulation of runoff in the downslope direction. As the hillslope gradient increases, the velocity and erosivity of runoff increases. Use the LS table located in separate tab of this spreadsheet to determine LS factors. Estimate the weighted LS for the site prior to construction.

tp://swrcb2a.waterboards.ca.gov/pub/swrcb/dwq/cgp/Risk/RUSLE/RUSLE_LS_Factor/

LS Factor Value

4.59

Watershed Erosion Estimate (=RxKxLS) in tons/acre

67.8861

Site Sediment Risk Factor

Low Sediment Risk: < 15 tons/acre Medium Sediment Risk: >=15 and <75 tons/acre

High Sediment Risk: >= 75 tons/acre

Medium

Rish Level Determination

http://water.epa.gov/polwaste/npdes/stormwater/LEW-Results.cfm



Water: Stormwater

You are here: Water » Pollution Prevention & Control » Permitting (NPDES) » Stormwater » LEW Results

LEW Results

Rainfall Erosivity Factor Calculator for Small Construction Sites

Facility Information

 Start Date:
 05/01/2018

 End Date:
 5/1/2020

 Latitude:
 33.197

 Longitude:
 -117.125

Erosivity Index Calculator Results

AN EROSIVITY INDEX VALUE OF 73.95 HAS BEEN DETERMINED FOR THE CONSTRUCTION PERIOD OF 05/01/2018 - 5/1/2020.

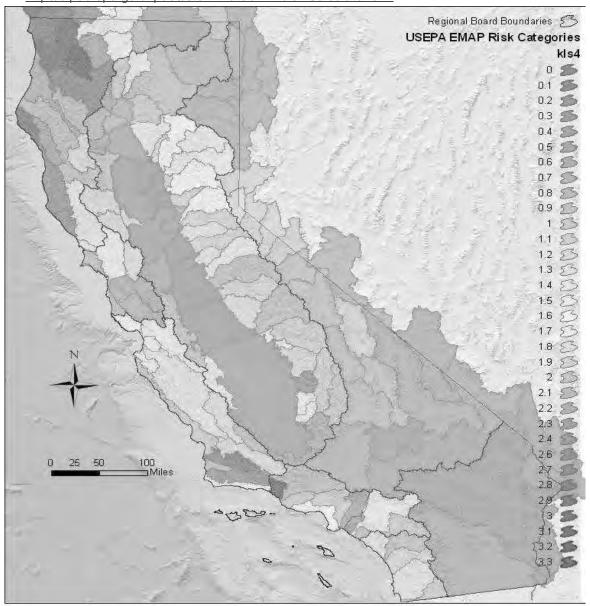
A rainfall erosivity factor of 5.0 or greater has been calculated for your site and period of construction. You do NOT qualify for a waiver from NPDES permitting requirements.

Start Over

Last updated on Monday, July 28, 2014

For the GIS Map Method, the R factor for the project is calculated using the online calculator at (see cell to right). The product of K and LS are shown on the figure below. To determine soil loss in tons per acre, multiply the R factor times the value for K times LS from the map.

http://cfpub.epa.gov/npdes/stormwater/LEW/lewCalculator.cfm



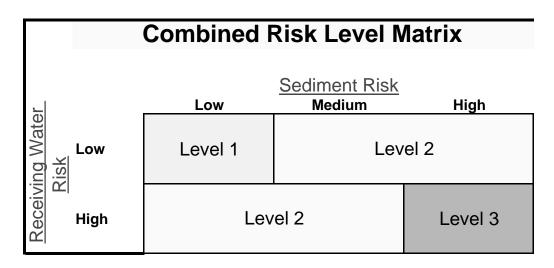


State Water Resources Control Board, January 15, 2008

	Average W	atershed S	lope (%)																
Sheet Flow Length																			
(ft)	0.2	0.5	1.0	2.0	3.0	4.0	5.0	6.0	8.0	10.0	12.0	14.0	16.0	20.0	25.0	30.0	40.0	50.0	60.0
` <	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.35	0.36	0.38	0.39	0.41	0.45	0.48	0.53	0.58	0.63
(0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.37	0.41	0.45	0.49	0.56	0.64	0.72	0.85	0.97	1.07
9	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.38	0.45	0.51	0.56	0.67	0.80	0.91	1.13	1.31	1.47
13	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.39	0.47	0.55	0.62	0.76	0.93	1.08	1.37	1.62	1.84
15	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.40	0.49	0.58	0.67	0.84	1.04	1.24	1.59	1.91	2.19
2	0.05	0.07	0.10	0.16	0.21	0.26	0.31	0.36	0.45	0.57	0.71	0.85	0.98	1.24	1.56	1.86	2.41	2.91	3.36
50	0.05	0.08	0.13	0.21	0.30	0.38	0.46	0.54	0.70	0.91	1.15	1.40	1.64	2.10	2.67	3.22	4.24	5.16	5.97
7	0.05	0.08	0.14	0.25	0.36	0.47	0.58	0.69	0.91	1.20	1.54	1.87	2.21	2.86	3.67	4.44	5.89	7.20	8.37
10	0.05	0.09	0.15	0.28	0.41	0.55	0.68	0.82	1.10	1.46	1.88	2.31	2.73	3.57	4.59	5.58	7.44	9.13	10.63
150	0.05	0.09	0.17	0.33	0.50	0.68	0.86	1.05	1.43	1.92	2.51	3.09	3.68	4.85	6.30	7.70	10.35	12.75	14.89
20	0.06	0.10	0.18	0.37	0.57	0.79	1.02	1.25	1.72	2.34	3.07	3.81	4.56	6.04	7.88	9.67	13.07	16.16	18.92
250	0.06	0.10	0.19	0.40	0.64	0.89	1.16	1.43	1.99	2.72	3.60	4.48	5.37	7.16	9.38	11.55	15.67	19.42	22.78
30	0.06	0.10	0.20	0.43	0.69	0.98	1.28	1.60	2.24	3.09	4.09	5.11	6.15	8.23	10.81	13.35	18.17	22.57	26.51
40	0.06	0.11	0.22	0.48	0.80	1.14	1.51	1.90	2.70	3.75	5.01	6.30	7.60	10.24	13.53	16.77	22.95	28.60	33.67
60	0.06	0.12	0.24	0.56	0.96	1.42	1.91	2.43	3.52	4.95	6.67	8.45	10.26	13.94	18.57	23.14	31.89	39.95	47.18
80	0.06	0.12	0.26	0.63	1.10	1.65	2.25	2.89	4.24	6.03	8.17	10.40	12.69	17.35	23.24	29.07	40.29	50.63	59.93
100	0.06	0.13	0.27	0.69	1.23	1.86	2.55	3.30	4.91	7.02	9.57	12.23	14.96	20.57	27.66	34.71	48.29	60.84	72.15

LS Factors for Construction Sites. Table from Renard et. al., 1997.

Receiving Water (RW) Risk Factor Worksheet	Entry	Score
A. Watershed Characteristics	yes/no	
A.1. Does the disturbed area discharge (either directly or indirectly) to a 303(d)-listed waterbody impaired by sediment ? For help with impaired waterbodies please check the attached worksheet or visit the link below:		
2006 Approved Sediment-impared WBs Worksheet		
http://www.waterboards.ca.gov/water_issues/programs/tmdl/303d_lists2006_epa.shtml	Yes	High
<u>OR</u>		5
A.2. Does the disturbed area discharge to a waterbody with designated beneficial uses of SPAWN & COLD & MIGRATORY?		
http://www.ice.ucdavis.edu/geowbs/asp/wbquse.asp		



Project Sediment Risk: Medium
Project RW Risk: High

Project Combined Risk: Level 2

Attachment D

Checklist SW-1, Site Data Sources

		Checklis	t SW	-1, Site Data	a Sources			
Prepared by:_	Paul Ko	osinski	_Date:_	May 15, 2015	_District-Co-Rout	e: <u> </u>	<u> 11-SD-015</u>	5
PM : R36.0	/R37.2	_Project ID (or E	A):	11-14000093 (11	1-41840K)	RWQCI	B: <u>9</u>	

Information for the following data categories should be obtained, reviewed and referenced as necessary throughout the project planning phase. Collect any available documents pertaining to the category and list them and reference your data source. For specific examples of documents within these categories, refer to Section 5.5 of this document. Example categories have been listed below; add additional categories, as needed. Summarize pertinent information in Section 2 of the SWDR.

DATA CATEGORY/SOURCES	Date
Topographic	
US Topo Quadrangles http://nationalmap.gov/ustopo/	April 2015
•	
Hydraulic	
Caltrans Highway Design Manual	March 2014
•	
Soils	
United States Department of Agriculture http://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/	April 2015
•	
•	
Climatic	
 National Weather Service Rainfall http://www.wrh.noaa.gov/sgx/obs/rainobs.php?wfo=sgx 	April 2015
Water Quality Planning Tool, CSU Sacramento Website, https://www.owp.csus.edu/	April 2015
•	
Water Quality	
Clean Water Act Section 303(d) List/ SWRCB, Website	April 2015
Caltrans Stormwater Quality Manuals and Handbooks http://www.dot.ca.gov/hq/construc/stormwater/manuals.htm	April 2015
San Diego Watershed Resources http://www.projectcleanwater.org/index.php	April 2015
Other Data Categories	
•	
•	

Attachment E

Checklist SW-2, Storm Water Quality Issues Summary

	Checklist SW-2, Storm Water Quality Issues Summary										
Pre	epared by:	Paul K	osinski	_Date:_	May	15, 2015	[District-Co-R	oute	: <u>11-S</u> [D-015
PΝ	1 : R36.0	0/R37.2	_Project ID (or E	EA):	11-14	000093 (11-	41840K)	F	RWQCB:	9
issu Lan	The following questions provide a guide to collecting critical information relevant to project stormwater quality such assues. Complete responses to applicable questions, consulting other Caltrans functional units (Environmental, andscape Architecture, Maintenance, etc.) and the District/Regional Storm Water Coordinator as necessary. Summarize pertinent responses in Section 2 of the SWDR.										
1.			ring waters that m (i.e., construction							⊠Complete	e
2.	constituen	ts of conce								⊠Complete	e
3.	groundwat	er percola	e any municipal c tion facilities with nd spill prevention	in the pr	oject lir	nits. Cons	side	r appropriate		⊠Complete	e
4.	Determine etc.	the RWQ	CB special require	ements,	includi	ng TMDLs	s, ef	ffluent limits,		⊠Complete	e 🔲 NA
5.			agencies seaso							⊠Complete	e 🔲 NA
6.	Determine	if a 401 ce	ertification will be	required	d.					⊠Complete	e
7.	List rainy s	eason dat	es.							⊠Complete	e 🔲 NA
8.	Determine rainfall inte		al climate of the pes.	oroject a	rea. Ide	entify annu	ual	rainfall and		⊠Complete	e <u> </u>
9.			nent BMPs, deter to groundwater.	mine the	soil cl	assificatio	n, p	ermeability,		Complete	e 🔲 NA
10.	Determine	contamina	ated soils within t	ne proje	ct area	•				⊠Complete	e 🔲 NA
11.	Determine	the total d	listurbed soil area	of the p	oroject.					⊠Complete	e 🔲 NA
12.	Describe tl	he topogra	phy of the projec	t site.						⊠Complete	e 🔲 NA
13.		g. contract	e of the Caltrans or's staging yard,							⊠Complete	e
14.			al right-of-way ac esign, constructio							⊠Complete	e
15.	Determine	if a right-c	of-way certification	n is requ	ired.					⊠Complete	e
16.		BMPs, sta	ated unit costs for abilized conveyan							⊠ Complete	e
17.	Determine	if project a	area has any slop	e stabili	zation	concerns.				Complete	e
18.	Describe tl	ne local la	nd use within the	project a	area ar	nd adjacen	nt ar	reas.		Complete	e
19.	Evaluate th	ne presend	ce of dry weather	flow.						⊠Complete	e 🔲 NA



Attachment F

Checklist SW-3, Measures for Avoiding or Reducing Potential Storm Water BMPs

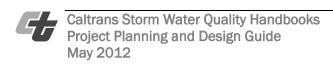
C	he	ecklist SW-3, Mea		Avoiding or er Impacts	Reducin	g Pote	ntial St	torm	
Pre	pare	ed by: Paul Kosinski	Date:	May 15, 2015	_District-Co-R	oute:	11-SD-01	5	
РМ	:	R36.0/R37.2 Project I	D (or EA):	<u>11-14000093 (1</u>	1-41840K)	RWQ0	CB: 9		
Mat	The PE must confer with other functional units, such as Landscape Architecture, Hydraulics, Environmental, Materials, Construction and Maintenance, as needed to assess these issues. Summarize pertinent responses in Section 2 of the SWDR.								
Opt	Options for avoiding or reducing potential impacts during project planning include the following:								
1.	Can the project be relocated or realigned to avoid/reduce impacts to receiving waters or to increase the preservation of critical (or problematic) areas such as floodplains, steep slopes, wetlands, and areas with erosive or unstable soil conditions?								
2.		n structures and bridges be eams and minimize constru		ated to reduce w	ork in live	∐Yes	□No	⊠NA	
3.	 Can any of the following methods be utilized to minimize erosion from slopes: 								
	a.	Disturbing existing slopes	only when nece	essary?		⊠Yes	□No	□NA	
	b.	Minimizing cut and fill area	as to reduce slop	pe lengths?		⊠Yes	□No	□NA	
	C.	Incorporating retaining washorten slopes?	alls to reduce ste	epness of slopes	or to	⊠Yes	□No	□NA	
	d.	Acquiring right-of-way eas reduce steepness of slope		s grading easeme	ents) to	∐Yes	□No	⊠NA	
	e.	Avoiding soils or formation stabilize?	ns that will be pa	rticularly difficult	to re-	∐Yes	□No	⊠NA	
	f.	Providing cut and fill slope limit erosion to pre-constru		allow re-vegetati	on and	⊠Yes	□No	□NA	
	g.	Providing benches or terra concentration of flows?	aces on high cut	and fill slopes to	reduce	∐Yes	⊠No	□NA	
	h.	Rounding and shaping slo	opes to reduce c	oncentrated flow?	>	⊠Yes	□No	□NA	
	i.	Collecting concentrated flo	ows in stabilized	drains and chan	nels?	⊠Yes	□No	□NA	
4.	Doe	es the project design allow	for the ease of r	naintaining all BM	1Ps?	⊠Yes	□No		
5.		n the project be scheduled ing the rainy season?	or phased to min	nimize soil-disturb	oing work	⊠Yes	□No		
6.	veg con	n permanent storm water projetated slopes, basins, and instruction process to provid m in addressing construction	conveyance sys le additional prot	stems be installed ection and to pos	early in the	⊠Yes	□No	□NA	



Attachment G

Checklist DPP-1, Parts 1-5 (Design Pollution Prevention BMPs)

Design Pollution Prevention BMP	S							
Checklist DPP-1, Part 1								
Prepared by: Paul Kosinski Date: May 15, 2015 District-Co-F	Route:	11-SD-0)15					
PM : R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K)	RWQ	CB: <u> </u>	9					
Consideration of Design Pollution Prevention BMPs								
Consideration of Downstream Effects Related to Potentially Increased Flow [to streams or channels]								
Will project increase velocity or volume of downstream flow?	⊠Yes	□No	□NA					
Will the project discharge to unlined channels?	⊠Yes	□No	□NA					
Will project increase potential sediment load of downstream flow?	∐Yes	⊠No	□NA					
Will project encroach, cross, realign, or cause other hydraulic changes to a stream that may affect downstream channel stability?	∐Yes	⊠No	□NA					
If Yes was answered to any of the above questions, consider Downstream Effects Related to Potentially Increased Flow , complete the DPP-1, Part 2 checklist.								
Slope/Surface Protection Systems								
Will project create new slopes or modify existing slopes?	⊠Yes	□No	□NA					
If Yes was answered to the above question, consider Slope/Surface Protection Systems , complete the DPP-1, Part 3 checklist.								
Concentrated Flow Conveyance Systems								
Will the project create or modify ditches, dikes, berms, or swales?	⊠Yes	□No	□NA					
Will project create new slopes or modify existing slopes?	⊠Yes	□No	□NA					
Will it be necessary to direct or intercept surface runoff?	⊠Yes	□No	□NA					
Will cross drains be modified?	⊠Yes	□No	□NA					
If Yes was answered to any of the above questions, consider Concentrated Flow Conveyance Systems ; complete the DPP-1, Part 4 checklist.								
Preservation of Existing Vegetation								
It is the goal of the Storm Water Program to maximize the protection of desirable existing vegetation to provide erosion and sediment control benefits on all projects.		 Comple	te					
Consider Preservation of Existing Vegetation , complete the DPP-1, Part 5 checklist.								



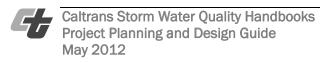
Design Pollution Prevention BMPs Checklist DPP-1, Part 2

Prepare	ed by:	Paul Kosinski	Date:_	Ma	y 15, 2015	_District-C	Co-Rout	te: <u>11-9</u>	SD-015	
PM :	R36.0/F	R37.2	_Project ID (or E	A):_	11-1400009)3 (11-41 <u>8</u>	340K)	_RWQCB:_	9	

Downstream Effects Related to Potentially Increased Flow

1.	Review total paved area and reduce to the maximum extent practicable.	
2.	Review channel lining materials and design for stream bank erosion control.	⊠ Complete
	(a) See Chapters 860 and 870 of the HDM.	⊠ Complete
	(b) Consider channel erosion control measures within the project limits as well as downstream. Consider scour velocity.	
3.	Include, where appropriate, energy dissipation devices at culvert outlets.	⊠ Complete
4.	Ensure all transitions between culvert outlets/headwalls/wingwalls and channels are smooth to reduce turbulence and scour.	⊠ Complete
5.	Include, if appropriate, peak flow attenuation basins or devices to reduce peak discharges.	
6.	Calculate the water quality volume infiltrated by DPP BMPs within the project limits. Include the percentage of the water quality volume for each BMP and subwatershed, as appropriate, for site conditions. These calculations will be used later in the T-1 checklist.	

	Design Pollution Prevention BMPs						
	Checklist DPP-1, Part 3						
Pre	pared by: Paul Kosinski Date: May 15, 2015 District-Co-Route:	11-SD-0)15				
РМ	: R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQ	CB:	9				
Slo	pe / Surface Protection Systems						
1.	What are the proposed areas of cut and fill? (attach plan or map)	□Co	mplete				
2.	Were benches or terraces provided on high cut and fill slopes to reduce concentration of flows?	∐Yes	⊠No				
3.	Were slopes rounded and/or shaped to reduce concentrated flow?	\boxtimes Yes	□No				
4.	Were concentrated flows collected in stabilized drains or channels?	⊠Yes	□No				
5.	Are new or disturbed slopes > 4:1 horizontal:vertical (h:v)?	⊠Yes	□No				
	If Yes, District Landscape Architect must prepare or approve an erosion control plan, at the District's discretion.						
6.	Are new or disturbed slopes > 2:1 (h:v)?	∐Yes	\boxtimes No				
	If Yes, Geotechnical Services must prepare a Geotechnical Design Report, and the District Landscape Architect should prepare or approve an erosion control plan. Concurrence must be obtained from the District Maintenance Storm Water Coordinator for slopes steeper than 2:1 (h:v).						
7.	Estimate the net new impervious area that will result from this project. <u>4.0</u> acres	⊠Co	mplete				
۷E	GETATED SURFACES						
1.	Identify existing vegetation.	⊠Co	mplete				
2.	Evaluate site to determine soil types, appropriate vegetation and planting strategies.	□Со	mplete				
3.	How long will it take for permanent vegetation to establish?	□Co	mplete				
4.	Minimize overland and concentrated flow depths and velocities.	□Co	mplete				
НА	RD SURFACES						
1.	Are hard surfaces required?	⊠Yes	□No				
	If Yes, document purpose (safety, maintenance, soil stabilization, etc.), types, and general locations of the installations.	⊠Co	omplete				
	view appropriate SSPs for Vegetated Surface and Hard Surface Protection stems.	⊠Co	omplete				



Design Pollution Prevention BMPs Checklist DPP-1, Part 4 Prepared by: Paul Kosinski Date: May 15, 2015 District-Co-Route: 11-SD-015 R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQCB: 9

C

Co	ncentrated Flow Conveyance Systems	
Dit	ches, Berms, Dikes and Swales	
1.	Consider Ditches, Berms, Dikes, and Swales as per Topics 813, 834.3, and 835, and Chapter 860 of the HDM.	
2.	Evaluate risks due to erosion, overtopping, flow backups or washout.	Complete
3.	Consider outlet protection where localized scour is anticipated.	
4.	Examine the site for run-on from off-site sources.	Complete
5.	Consider channel lining when velocities exceed scour velocity for soil.	□Complete
Ov	erside Drains	
1.	Consider downdrains, as per Index 834.4 of the HDM.	
2.	Consider paved spillways for side slopes flatter than 4:1 h:v.	
Fla	red Culvert End Sections	
1.	Consider flared end sections on culvert inlets and outlets as per Chapter 827 of the HDM.	⊠ Complete
Ou	tlet Protection/Velocity Dissipation Devices	
1.	Consider outlet protection/velocity dissipation devices at outlets, including cross drains, as per Chapters 827 and 870 of the HDM.	
Re	view appropriate SSPs for Concentrated Flow Conveyance Systems.	⊠Complete

Yes

□No

Design Pollution Prevention BMPs Checklist DPP-1, Part 5			
Prepared by: Paul Kosinski Date: May 15, 2015 District-Co-Route: 11-SD-015			
РМ	: R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQ0	CB: 9	
Preservation of Existing Vegetation			
1.	Review Preservation of Property, (Clearing and Grubbing) to reduce clearing and grubbing and maximize preservation of existing vegetation.	⊠Com	nplete
2.	Has all vegetation to be retained been coordinated with Environmental, and identified and defined in the contract plans?	∐Yes	□No
3.	Have steps been taken to minimize disturbed areas, such as locating temporary roadways to avoid stands of trees and shrubs and to follow existing contours to reduce cutting and filling?	Con	nplete
4.	Have impacts to preserved vegetation been considered while work is occurring in disturbed areas?	∐Yes	□No
5.	Are all areas to be preserved delineated on the plans?	□Yes	П№

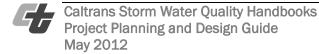
Attachment H

Checklist T-1, Parts1, 2, 4, 5, 8 (Treatment BMPs)

	Treatment BMPs		
	Checklist T-1, Part 1		
Pre	epared by: Paul Kosinski Date: May 15, 2015 District-Co-Route:	11-SD-01	15
PM	I: R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQ6	CB: <u>9</u>	_
Со	nsideration of Treatment BMPs		
det Do cor	is checklist is used for projects that require the consideration of Approved Treatment termined from the process described in Section 4 (Project Treatment Consideration) acumentation Form (EDF). This checklist will be used to determine which Treatment I have a considered for each watershed and sub-watershed within the project. Supplemental dawerify siting and design applicability for final incorporation into a project.	and the Ev BMPs sho	valuation ould be
res	Implete this checklist for each phase of the project, when considering Treatments on the questions as the basis when developing the narrative in Section atter Data Report to document that Treatment BMPs have been appropriately co	5 of the	Storm
	swer all questions, unless otherwise directed. Questions 14 through 16 should er all subwatershed (drainages) are considered using this checklist.	d be answ	vered
1.	Is the project in a watershed with prescriptive TMDL treatment BMP requirements in an adopted TMDL implementation plan or does the project have a dual purpose facility requirement (e.g. flood control and water quality treatment or Design Pollution Prevention BMPs that provide infiltration and treatment)?	∐Yes	⊠No
	If Yes, consult the District/Regional Storm Water Coordinator to determine whether the T-1 checklist should be used to propose alternative BMPs because the prescribed BMPs may not be feasible or other BMPs may be more cost-effective. Special documentation and regulatory response may be necessary.		
2.	Dry Weather Flow Diversion		
	(a) Are dry weather flows generated by Caltrans anticipated to be persistent?	∐Yes	⊠No
	(b) Is a sanitary sewer located on or near the site?	∐Yes	⊠No
	If Yes to both 2 (a) and (b), continue to (c). If No to either, skip to question 3.		
	(c) Is connection to the sanitary sewer possible without extraordinary plumbing, features or construction practices?	∐Yes	□No
	(d) Is the domestic wastewater treatment authority willing to accept flow?	∐Yes	□No
	If Yes was answered to all of these questions consider Dry Weather Flow Diversion , complete and attach Part 3 of this checklist.		
3.	Is the receiving water on the 303(d) list for litter/trash or has a TMDL been issued for litter/trash?	∐Yes	⊠No
	Caltrans Storm Water Quality Handbooks		

attach Part 6 of this checklist. Note: Infiltration Devices, Detention Devices, Media Filters, MCTTs, and Wet Basins also can capture litter. Before considering GSRDs for stand-alone installation or in sequence with other BMPs, consult with District/Regional NPDES Storm Water Coordinator to determine whether Infiltration Devices, Detention Devices, Media Filters, MCTTs, and Wet Basins should be considered instead of GSRDs to meet litter/trash TMDL. 4. Is the project located in an area (e.g., mountain regions) where traction sand is \bowtie No Yes applied more than twice a year? If Yes, consider Traction Sand Traps Complete and attach Part 7 of this checklist. 5. Maximizing Biofiltration Strips and Swales Objectives: 1) Quantify infiltration from biofiltration alone 2) Identify highly infiltrating biofiltration (i.e. > 90%) and skip further BMP consideration. 3) Identify whether amendments can substantially improve infiltration. (a) Have biofiltration strips and swales been designed for runoff from all project ∏Yes ∏No areas, including sheet flow and concentrated flow conveyance? If no, document justification in Section 5 of the SWDR. (b) Based on existing site conditions, estimate what percentage of the WQV¹ can be infiltrated. When calculating the WQV, use a drawdown time appropriate for the site conditions.. ___ < 20% Complete ___ 20 % - 50% 50% - 90% ___ > 90% (c) Is infiltration greater than 90 percent? If Yes, skip to question 13. □No Yes If No, Continue to 5 (d). ¹ A complete methodology for determining WQV infiltration is available at: http://www.dot.ca.gov/hq/oppd/stormwtr/index.htm

If Yes, consider Gross Solids Removal Devices (GSRDs). Complete and



	(d) Can the infiltration ranking in question 5(b) above be increased by using soil amendments?.	∐Yes	□No
	If Yes, consider including soil amendments (increasing the infiltration ranking of strips and swales shows performance comparable to other BMPs). Record the new infiltration estimate below. If No, continue to 5 (e).		
	< 20% (skip to 6)		
	20 % - 50% (skip to 6)		
	50% - 90% (skip to 6)		
	>90%	Con	nplete
	(e) Is infiltration greater than 90 percent? If Yes, skip to question 13. If No, continue to 5 (f).	∐Yes	□No
	(f) Is infiltration greater than 50 percent and is biofiltration preferred? If yes to both, skip to question 13.	∐Yes	□No
6.	Biofiltration in Rural Areas		
	Is the project in a rural area (outside of urban areas that is covered under an NPDES Municipal Stormwater Permit ²)? If Yes, proceed to question 13.	∐Yes	⊠No
7.	Estimating Infiltration for BMP Combinations		
	Objectives:		
	Identify high-infiltration biofiltration or biofiltration and infiltration BMP combinations and skip further BMP consideration.		
	2) If high infiltration is infeasible, then identify the infiltration level of all feasible BMP combinations for use in the subsequent BMP selection matrices.		
	(a) Has concentrated infiltration (i.e., via earthen basins) been prohibited? Consult your District/Regional Storm Water Coordinator and/or environmental documents.	∐Yes	⊠No
	If No, continue to 7 (b); if Yes, skip to question 8 and do not consider earthen basin-type BMPs		

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wqo_2009_0009_factsheet.pdf



² See pages 39 and 40 of the Fact Sheets for the CGP.

	(b) Can the infiltration ranking be increased by infiltrating the un-infiltrated remaining WQV from question 5, with an infiltration BMP ¹ ? If yes, record the new infiltration estimate below. If no, proceed to 7(c).	∐Yes	⊠No
	< 20% (do not consider this BMP combination) 20% - 50% 50% - 90% >90%		
	Is at least 90 percent infiltration estimated? If Yes, proceed to 13. If No, proceed to $7(c)$.	∐Yes	⊠No
	(c) Assess infiltration of biofiltration combined with an approved earthen BMP. This assessment will be used in subsequent BMP selection matrices.		
	Earthen Detention Basin		
	< 20% 20% - 50% > 50 %	□Comp	olete
	Continue to Question 8		
8.	Identifying BMPs based on the Target Design Constituents		
	(a) Does the project discharge to a 303(d) impaired water body or a water body that has a TMDL adopted? If "No," use Matrix A to select BMPs, consider designing to treat 100% of the WQV, then skip to question 12.If Yes, is the identified pollutant(s) considered a Targeted Design Constituent (TDC) (check all that apply below)?	⊠Yes	∏No
	nitrogen zinc (dissolved or total)		
	general metals (dissolved or total) ²		
	(b) Treating Sediment. Is sediment a TDC? If Yes, use Matrix A to select BMPs, then skip to question 12. Otherwise, proceed to question 9.	⊠Yes	□No
	ssess the combined infiltration of the WQV by both biofiltration and infiltration BMPs.		ation

² General metals is a designation used by Regional Water Boards when specific metals have not yet been identified as causing the impairment.



BMP.

BMP Selection Matrix A: General Purpose Pollutant Removal

Consider approaches to treat the remaining WQV with combinations of the BMPs in this table. The PE should select at least one BMP for the project; preference is for Tier 1 BMPs, followed by Tier 2 BMPs when Tier 1 BMPs are not feasible. Within each Tier, BMP selection will be determined by the site-specific determination of feasibility (Section 2.4.2.1). BMPs are chosen based on the infiltration category determined in question 7. BMPs in other categories should be ignored.

	BMP ranking for infiltration category:		
	Infiltration < 20%	Infiltration 20% - 50%	Infiltration > 50%
Tier 1	Strip: HRT > 5 Austin filter (concrete) Austin filter (earthen) Delaware filter MCTT Wet basin	Austin filter (earthen) Detention (unlined) Infiltration basins* Infiltration trenches* Biofiltration Strip	Austin filter (earthen) Detention (unlined) Infiltration basins* Infiltration trenches* Biofiltration Strip Biofiltration Swale
Tier 2	Strip: HRT < 5 Biofiltration Swale Detention (unlined)	Austin filter (concrete) Delaware filter Biofiltration Swale MCTT Wet basin	Austin filter (concrete) Delaware filter MCTT Wet basin

HRT = hydraulic residence time (min)

*Infiltration BMPs that infiltrate the water quality volume were considered previously, so only undersized infiltration BMPs or hybrid designs are considered where infiltration is less than 90% of the water quality volume.

9.	Treating both Metals and Nutrients.		
	Is copper, lead, zinc, or general metals <i>AND</i> nitrogen or phosphorous a TDC? If Yes, use Matrix D to select BMPs, then skip to question 12. Otherwise, proceed to question 10.	∐Yes	□No
10.	Treating Only Metals.		
	Are copper, lead, zinc, or general metals listed TDCs? If Yes, use Matrix B below to select BMPs, and skip to guestion 12. Otherwise, proceed to guestion 11.	∐Yes	□No

BMP Selection Matrix B: Any metal is the TDC, but not nitrogen or phosphorous

Consider approaches to treat the remaining WQV with combinations of the BMPs in this table. The PE should select at least one BMP for the project; preference is for Tier 1 BMPs, followed by Tier 2 BMPs when Tier 1 BMPs are not feasible. Within each Tier, BMP selection will be determined by the site-specific determination of feasibility (Section 2.4.2.1). BMPs are chosen based on the infiltration category determined in question 7. BMPs in other categories should be ignored.

	BMP ranking for infiltration category:			
	Infiltration < 20%	Infiltration 20% - 50%	Infiltration > 50%	
Tier 1	MCTT Wet basin Austin filter (earthen) Austin filter (concrete) Delaware filter	Austin filter (earthen) Detention (unlined) Infiltration basins* Infiltration trenches* MCTT Wet basin	Austin filter (earthen) Detention (unlined) Infiltration basins* Infiltration trenches* MCTT Biofiltration Strip Biofiltration Swale Wet basin	
Tier 2	Strip: HRT > 5 Strip: HRT < 5 Biofiltration Swale Detention (unlined)	Austin filter (concrete) Delaware filter Biofiltration Strip Biofiltration Swale	Austin filter (concrete) Delaware filter	

HRT = hydraulic residence time (min)

11. Treating Only Nutrients.

Are nitrogen and/or phosphorus listed TDCs? If "Yes," use Matrix C to select		
BMPs. If "No", please check your answer to 8(a). At this point one of the matrices	Yes	
should have been used for BMP selection for the TDC in question, unless no		
BMPs are feasible.		

^{*}Infiltration BMPs that infiltrate the water quality volume were considered previously, so only undersized infiltration BMPs or hybrid designs are considered where infiltration is less than 90% of the water quality volume.

BMP Selection Matrix C: Phosphorous and / or nitrogen is the TDC, but no metals are the TDC

Consider approaches to treat the remaining WQV with combinations of the BMPs in this table. The PE should select at least one BMP for the project; preference is for Tier 1 BMPs, followed by Tier 2 BMPs when Tier 1 BMPs are not feasible. Within each Tier, BMP selection will be determined by the site-specific determination of feasibility (Section 2.4.2.1). BMPs are chosen based on the infiltration category determined in question 7. BMPs in other categories should be ignored.

	BMP ranking for infiltration category:		
	Infiltration < 20%	Infiltration 20% - 50%	Infiltration > 50%
Tier 1	Austin filter (earthen) Austin filter (concrete) Delaware filter**	Austin filter (earthen) Detention (unlined) Infiltration basins* Infiltration trenches*	Austin filter (earthen) Detention (unlined) Infiltration basins* Infiltration trenches* Biofiltration Strip Biofiltration Swale
Tier 2	Wet basin Biofiltration Strip Biofiltration Swale Detention (unlined)	Austin filter (concrete) Delaware filter Biofiltration Strip Biofiltration Swale Wet basin	Austin filter (concrete) Delaware filter Wet basin

^{*} Infiltration BMPs that infiltrate the water quality volume were considered previously, so only undersized infiltration BMPs or hybrid designs are considered where infiltration is less than 90% of the water quality volume.

^{**} Delaware filters would be ranked in Tier 2 if the TDC is nitrogen only, as opposed to phosphorous only or both nitrogen and phosphorous.

BMP Selection Matrix D: Any metal, plus phosphorous and / or nitrogen are the TDCs

Consider approaches to treat the remaining WQV with combinations of the BMPs in this table. The PE should select at least one BMP for the project; preference is for Tier 1 BMPs, followed by Tier 2 BMPs when Tier 1 BMPs are not feasible. Within each Tier, BMP selection will be determined by the site-specific determination of feasibility (Section 2.4.2.1). BMPs are chosen based on the infiltration category determined in question 7. BMPs in other categories should be ignored.

	BMP ranking for infiltration category:		
	Infiltration < 20%	Infiltration 20% - 50%	Infiltration > 50%
Tier 1	Wet basin* Austin filter (earthen) Austin filter (concrete) Delaware filter**	Wet basin* Austin filter (earthen) Detention (unlined) Infiltration basins*** Infiltration trenches***	Wet basin* Austin filter (earthen) Detention (unlined) Infiltration basins*** Infiltration trenches*** Biofiltration Strip Biofiltration Swale
Tier 2	Biofiltration Strip Biofiltration Swale Detention (unlined)	Austin filter (concrete) Delaware filter Biofiltration Strip Biofiltration Swale	Austin filter (concrete) Delaware filter

^{*} The wet basin should only be considered for phosphorus

^{**} In cases where earthen BMPs can infiltrate, Delaware filters are ranked in Tier 2 if the TDC is nitrogen only, but they are Tier 1 for phosphorous only or both nitrogen and phosphorous.

^{***} Infiltration BMPs that infiltrate the water quality volume were considered previously, so only undersized infiltration BMPs or hybrid designs are considered where infiltration is less than 90% of the water quality volume.

12.	Does the project discharge to a 303(d) waterbody that is listed for mercury or low dissolved oxygen?	∐Yes	⊠No
	If Yes, contact the District/Regional NPDES Storm Water Coordinator to determine if standing water in a Delaware filter, wet basin, or MCTT would be a risk to downstream water quality.		
13.	After completing the above, identify and attach the checklists shown below for every Treatment BMP under consideration. (use one checklist every time the BMP is considered for a different drainage within the project)	⊠Cor	nplete
	_X Biofiltration Strips and Biofiltration Swales: Checklist T-1, Part 2 Dry Weather Diversion: Checklist T-1, Part 3		
	_X Infiltration Devices: Checklist T-1, Part 4		
	_X Detention Devices: Checklist T-1, Part 5		
	GSRDs: Checklist T-1, Part 6		
	Traction Sand Traps: Checklist T-1, Part 7		
	_X Media Filter [Austin Sand Filter and Delaware Filter]: Checklist T-1, Part 8		
	Multi-Chambered Treatment Train: Checklist T-1, Part 9		
	Wet Basins: Checklist T-1, Part 10		
14.	Estimate what percentage of the net WQV (for all new impervious surfaces within the project) or WQF (depending upon the Treatment BMP selected) will be treated by the preferred Treatment BMP(s): _100%*	⊠Cor	mplete
15.	Estimate what percentage of the net WQV (for all new impervious surfaces within the project) that will be infiltrated by the preferred treatment BMP(s):%**	□Cor	mplete
16.	Prepare cost estimate, including right-of-way, and site specific determination of feasibility (Section 2.4.2.1) for selected Treatment BMPs and include as supplemental information for SWDR approval.	⊠Cor	mplete
*Nc	ote: The amount of treatment should be calculated for each BMP and each		
	subwatershed, unless all BMPs within a project are the same. Document in SWDR.		
**N	ote: The Water Quality Volume infiltrated should be documented for the entire		

project and also for each subwatershed. Document in SWDR.

Treatment BMPs						
	Checklist T-1, Part 2					
Pre	epared by: Paul Kosinski Date: May 15, 2015 District-Co-Route:	11-SD-	015			
PM	: R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQ	CB:	9			
Bio	ofiltration Swales / Biofiltration Strips					
<u>Fea</u>	<u>asibility</u>					
1.	Do the climate and site conditions allow vegetation to be established?	⊠Yes	□No			
2.	Are flow velocities from a peak drainage facility design event < 4 fps (i.e. low enough to prevent scour of the vegetated biofiltration swale as per HDM Table 873.3E)?	⊠Yes	□No			
	If !No" to either question above, Biofiltration Swales and Biofiltration Strips are not feasible.					
	3. Are Biofiltration Swales proposed at sites where known contaminated soils or groundwater plumes exist? If !Yes", consult with District/Regional NPDES Coordinator about how to proceed.	∐Yes	⊠No			
4.	Does adequate area exist within the right-of-way to place Biofiltration device(s)? If !Yes", continue to Design Elements section. If !No", continue to Question 5.	⊠Yes	□No			
5.	If adequate area does not exist within right-of-way, can suitable, additional right-of-way be acquired to site Biofiltration devices and how much right-of-way would be needed to treat WQF? acres If !Yes", continue to Design Elements section. If !No", continue to Question 6.	∐Yes	□No			
6.	If adequate area cannot be obtained, document in Section 5 of the SWDR that the inability to obtain adequate area prevents the incorporation of these Treatment BMPs into the project.	□Co	mplete			
<u>De</u>	sign Elements					
* Required Design Element # A !Yes" response to these questions is required to further the consideration of this BMP into the project design. Document a !No" response in Section 5 of the SWDR to describe why this Treatment BMP cannot be included into the project design.						
	Recommended Design Element # A !Yes" response is preferred for these question incorporation into a project design.	s, but no	t required			
1.	Has the District Landscape Architect provided vegetation mixes appropriate for climate and location? *	∐Yes	□No			

APPENDIX E

Checklist T-1, Part 2

2.	Can the biofiltration swale be designed as a conveyance system under any expected flows > the WQF event, as per HDM Chapter 800? * (e.g. freeboard, minimum slope, etc.)	∐Yes	∐No
3.	Can the biofiltration swale be designed as a water quality treatment device under the WQF while meeting the required HRT, depth, and velocity criteria? (Reference Appendix B, Section B.2.3.1)*	∐Yes	□No
4.	Is the maximum length of a biofiltration strip \leq 100 ft? Strips > 100 ft. may still be considered as long as potential erosion issues have been addressed.**	∐Yes	□No
5.	Has the minimum width (perpendicular to flow) of the invert of the biofiltration swale received the concurrence of Maintenance? *	∐Yes	□No
6.	Can biofiltration swales be located in natural or low cut sections to reduce maintenance problems caused by animals burrowing through the berm of the swale? **	∐Yes	□No
7.	Has the infiltration rate of the bio-filtration device been calculated and maximized through amendments where appropriate. **	∐Yes	□No
8.	Have Biofiltration Systems been considered for locations upstream of other Treatment BMPs, as part of a treatment train? **	∐Yes	□No

Treatment BMPs								
Checklist T-1, Part 4								
Prepared by: Paul Kosinski Date: May 15, 2015 District-Co-Route: 11-SD-015								
PM : R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQCB: 9								

Infiltration Devices

Feasibility

1.	Does local Basin Plan or other local ordinance provide influent limits on quality of water that can be infiltrated, and would infiltration pose a threat to groundwater quality?	∐Yes	⊠No
2.	Does infiltration at the site compromise the integrity of any slopes in the area?	∐Yes	⊠No
3.	Per survey data or U.S. Geological Survey (USGS) Quad Map, are existing slopes at the proposed device site >15%?	Yes	⊠No
4.	At the invert, does the soil type classify as NRCS Hydrologic Soil Group (HSG) D, or does the soil have an infiltration rate < 0.5 inches/hr? For Design Pollution Prevention BMPs, can the soil be amended to provide an adequate infiltration rate and void space.	∐Yes	□No
5.	Is site located over a previously identified contaminated groundwater plume?	∐Yes	⊠No
	If !Yes" to any question above, Infiltration Devices are not feasible; stop here and consider other approved Treatment BMPs.		
6.	(a) Does site have groundwater within 10 ft of basin invert?	∐Yes	□No
	(b) Does site investigation indicate that the infiltration rate is significantly greater than 2.5 inches/hr?	∐Yes	□No
	If !Yes" to either part of Question 6, the RWQCB must be consulted, and the RWQCB must conclude that the groundwater quality will not be compromised, before approving the site for infiltration.		
7.	Does adequate area exist within the right-of-way to place Infiltration Device(s)? If !Yes", continue to Design Elements sections. If !No", continue to Question 8.	⊠Yes	□No
8.	If adequate area does not exist within right-of-way, can suitable, additional right-of-way be acquired to site Infiltration Devices and how much right-of-way would be needed to treat WQV? acres	∐Yes	□No
	If Yes, continue to Design Elements section.		
	If No, continue to Question 9.		
9.	If adequate area cannot be obtained, document in Section 5 of the SWDR that the inability to obtain adequate area prevents the incorporation of this Treatment BMP into the project.	☐Com	nplete



Design Elements - Infiltration Basin

* **Required** Design Element # A !Yes" response to these questions is required to further the consideration of this BMP into the project design. Document a !No" response in Section 5 of the SWDR to describe why this Treatment BMP cannot be included into the project design.

	Recommended Design Element # A !Yes" response is preferred for these questions, but not reproration into a project design.	equired for	
1.	Has a detailed investigation been conducted, including subsurface soil investigation, in-hole conductivity testing and groundwater elevation determination? (This report must be completed for PS&E level design.) *	∐Yes	□No
2.	Has an overflow spillway with scour protection been provided? *	∐Yes	□No
3.	Is the Infiltration Basin size sufficient to capture the WQV while maintaining a 40-48 hour drawdown time? If the BMP is used in series with a biofiltration device, then does the total upstream infiltration plus the Infiltration Basin volume at least equal the WQV. *	∐Yes	∏No
4.	Can access be placed to the invert of the Infiltration Basin? *	∐Yes	□No
5.	Can the Infiltration Basin accommodate the freeboard above the overflow event elevation (reference Appendix B.1.3.1)? *	∐Yes	□No
6.	Can the Infiltration Basin be designed with interior side slopes no steeper than 4:1 (h:v) (may be 3:1 [h:v] with approval by District Maintenance)? *	∐Yes	□No
7.	Can vegetation be established in the Infiltration Basin? **	∐Yes	□No
8.	Can diversion be designed, constructed, and maintained to bypass flows exceeding the WQV? **	∐Yes	□No
9.	Can a gravity-fed Maintenance Drain be placed? **	∐Yes	□No
<u>De</u>	<u>sign Elements – Infiltration Trench</u>		
1.	Has a detailed investigation been conducted, including subsurface soil investigation, in-hole conductivity testing and groundwater elevation determination? (This report must be completed for PS&E level design.) *	∐Yes	□No
2.	Is the surrounding soil within Hydrologic Soil Groups (HSG) Types A or B? **	∐Yes	□No
3.	Since this BMP is used in series with a pretreatment (see No. 7 below), then does the total upstream infiltration by the pretreatment plus the void space volume of the Infiltration Trench at least equal the WQV, while maintaining a drawdown time of \leq 72 hours? **	∐Yes	□No
4.	Is the depth of the Infiltration Trench \leq 13 ft? *	∐Yes	□No
5.	Can an observation well be placed in the trench? **	∐Yes	□No
6.	Can access be provided to the Infiltration Trench? *	∐Yes	□No
7.	Can pretreatment be provided to capture sediment in the runoff (such as using vegetation)? *	∐Yes	□No
8.	Can flow diversion be designed, constructed, and maintained to bypass flows exceeding the Water Quality event? **	∐Yes	□No

APPENDIX E Checklist T-1, Part 4 9. Can a perimeter curb or similar device be provided (to limit wheel loads upon the ∏Yes □No trench)? ** <u>Design Elements and Feasibility - Infiltration-DPP BMPs</u> * Required Design Element # (see definition above) ** Recommended Design Element # (see definition above) 1. Has a detailed soil investigation been conducted, to assure stability of the slope? ** □No ∏Yes ∏Yes □No 2. Does the soil have adequate infiltration rates or can the soil be amended to increase its infiltrating properties? **

∏No

∏Yes

3. Are flow velocities from a peak drainage facility design event < 4 fps (i.e. low enough to prevent scour or erosion of DPP (swale or conveyance) as per HDM Table 873.3E)? Or has the BMP been designed to prevent scour or erosion for higher velocities (e.g. rock lined ditch). *</p>

	Treatment BMPs										
	Checklist T-1, Part 5										
Pre	Prepared by: Paul Kosinski Date: May 15, 2015 District-Co-Route: 11-SD-015										
ΡM	: R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQ	CB:	9								
De	tention Devices										
<u>Fe</u>	<u>asibility</u>										
1.	Is there sufficient head to prevent objectionable backwater conditions in the upstream drainage systems?	⊠Yes	□No								
2.	2. 2a) Is the volume of the Detention Device equal to at least the WQV? (Note: the WQV must be ≥ 4,356 ft³ [0.1 acre-feet]). If the BMP is used in series with a biofiltration device, then does the total upstream infiltration plus the Detention Device volume at least equal the WQV?.										
	Only answer (b) if the Detention Device is being used also to capture traction sand.										
	2b) Is the total volume of the Detention Device at least equal to the WQV plus the anticipated volume of traction sand, while maintaining a minimum 12 inch freeboard (1 ft)?										
3.	3. Is basin invert ≥ 10 ft above seasonally high groundwater or can it be designed Yes No with an impermeable liner? (Note: If an impermeable liner is used, the seasonally high groundwater elevation must not encroach within 12 inches of the invert.)										
If N	lo to any question above, then Detention Devices are not feasible.										
4.	Does adequate area exist within the right-of-way to place Detention Device(s)? If Yes, continue to the Design Elements section. If No, continue to Question 5.	⊠Yes	□No								
5.	If adequate area does not exist within right-of-way, can suitable, additional right-of-way be acquired to site Detention Device(s) and how much right-of way would be needed to treat WQV? acres If Yes, continue to the Design Elements section. If No, continue to Question 6.	∐Yes	∏No								
6.	If adequate area cannot be obtained, document in Section 5 of the SWDR that	ПСо	mplete								

the inability to obtain adequate area prevents the incorporation of this Treatment

BMP into the project.

Design Elements

* **Required** Design Element # A !Yes" response to these questions is required to further the consideration of this BMP into the project design. Document a !No" response in Section 5 of the SWDR to describe why this Treatment BMP cannot be included into the project design.

** Recommended Design Element # A !Yes" response is preferred for these questions, but not required for incorporation into a project design.

1.	Has the geotechnical integrity of the site been evaluated to determine potential impacts to surrounding slopes due to incidental infiltration? If incidental infiltration through the invert of an unlined Detention Device is a concern, consider using an impermeable liner. *	∐Yes	∏No
2.	Has the location of the Detention Device been evaluated for any effects to the adjacent roadway and subgrade? *	∐Yes	□No
3.	Can a minimum freeboard of 12 inches be provided above the overflow event elevation? *	∐Yes	□No
4.	Is an overflow outlet provided? *	∐Yes	□No
5.	Is the drawdown time of the Detention Device within 24 to 72 hours? *	∐Yes	□No
6.	Is the basin outlet designed to minimize clogging (minimum outlet orifice diameter of 0.5 inches)? *	∐Yes	□No
7.	Are the inlet and outlet structures designed to prevent scour and re-suspension of settled materials, and to enhance quiescent conditions? *	∐Yes	□No
8.	Can vegetation be established in an earthen basin at the invert and on the side slopes for erosion control and to minimize re-suspension? Note: Detention Basins may be lined, in which case no vegetation would be required for lined areas.*	∐Yes	□No
9.	Has sufficient access for Maintenance been provided? *	Yes	□No
10.	Is the side slope 4:1 (h:v) or flatter for interior slopes? ** (Note: Side slopes up to 3:1 (h:v) allowed with approval by District Maintenance.)	∐Yes	□No
11.	If significant sediment is expected from nearby slopes, can the Detention Device be designed with additional volume equal to the expected annual loading? **	∐Yes	□No
12.	Is flow path as long as possible (≥ 2:1 length to width ratio at WQV elevation is recommended)? **	∐Yes	□No

APPENDIX E

∏Yes

Complete

□No

	Treatment BMPs									
	Checklist T-1, Part 8									
Pre	pared by: Paul Kosinski Date: May 15, 2015 District-Co-Route:	11-SD-0	15							
PM	: R36.0/R37.2 Project ID (or EA): 11-14000093 (11-41840K) RWQ	CB: <u>9</u>	1							
Me	edia Filters									
filte sm or e a fu	Caltrans has approved two types of Media Filter: Austin Sand Filters and Delaware Filters. Austin Sand filters are typically designed for larger drainage areas, while Delaware Filters are typically designed for smaller drainage areas. The Austin Sand Filter is constructed with an open top and may have a concrete or earthen invert, while the Delaware is always constructed as a vault. See Appendix B, Media Filters, for a further description of Media Filters. Feasibility – Austin Sand Filter									
1.	Is the volume of the Austin Sand Filter equal to at least the WQV using a 24 hour drawdown? (Note: the WQV must be ≥ 4,356 ft³ [0.1 acre-feet])	⊠Yes	□No							
2.	Is there sufficient hydraulic head to operate the device (minimum 3 ft between the inflow and outflow chambers)?	⊠Yes	□No							
3.	If initial chamber has an earthen bottom, is initial chamber invert ≥ 3 ft above seasonally high groundwater?	∐Yes	□No							
4.	If a vault is used for either chamber, is the level of the concrete base of the vault above seasonally high groundwater or is a special design provided?	∐Yes	□No							
5.	If No to any question above, then an Austin Sand Filter is not feasible. Does adequate area exist within the right-of-way to place an Austin Sand Filter(s)? If Yes, continue to Design Elements sections. If No, continue to Question 6.	⊠Yes	□No							

7. If adequate area cannot be obtained, document in Section 5 of the SWDR that the inability to obtain adequate area prevents the incorporation of this Treatment BMP into the project.

6. If adequate area does not exist within right-of-way, can suitable, additional right-

acres

of-way be acquired to site the device and how much right-of way would be

If an Austin Sand Filter meets these feasibility requirements, continue to the Design Elements # Austin Sand Filter below.

If Yes, continue to the Design Elements section.

needed to treat WQV? __

If No, continue to Question 7.

Feasibility- Delaware Filter

1.	Is the volume of the Delaware Filter equal to at least the WQV using a 48 hour drawdown? (Note: the WQV must be \geq 4,356 ft ³ [0.1 acre-feet], consult with District/Regional Design Storm Water Coordinator if a lesser volume is under consideration.)	∐Yes	∏No
2.	Is there sufficient hydraulic head to operate the device (minimum 3 ft between the inflow and outflow chambers)?	∐Yes	□No
3.	Would a permanent pool of water be allowed by the local vector control agency? Confirm that check valves and vector proof lid as shown on standard detail sheets will be allowed, is used.	∐Yes	□No
lf N	lo to any question, then a Delaware Filter is not feasible		
4.	Does adequate area exist within the right-of-way to place a Delaware Filter(s)? If Yes, continue to Design Elements sections. If No, continue to Question 5.	∐Yes	□No
5.	If adequate area does not exist within right-of-way, can suitable, additional right-of-way be acquired to site the device and how much right-of way would be needed to treat WQV? acres If Yes, continue to the Design Elements section. If No, continue to Question 6.	∐Yes	∏No
6.	If adequate area cannot be obtained, document in Section 5 of the SWDR that the inability to obtain adequate area prevents the incorporation of this Treatment BMP into the project.	<u></u> Con	nplete
7.	Does the project discharge to a waterbody that has been placed on the 303-d list or has had a TMDL adopted for bacteria, mercury, sulfides, or low dissolved oxygen?	∐Yes	∏No
	If yes, contact the Regional/District NPDES Storm Water Coordinator to determine if standing water in this treatment BMP would be a risk to downstream water quality. If standing water is a potential issue, consider use of another treatment BMP.		
	If a Delaware Filter is still under consideration, continue to the Design Elements # Delaware Filter section.		

∏Yes

□No

Design Elements - Austin Sand Filter

* Required Design Element # A !Yes" response to these questions is required to further the consideration of this BMP into the project design. Document a !No" response in Section 5 of the SWDR to describe why this Treatment BMP cannot be included into the project design.

** Recommended Design Element # A !Yes" response is preferred for these questions, but not required for incorporation into a project design. No ∏Yes 1. Is the drawdown time of the 2nd chamber 24 hours? * ∏Yes No 2. Is access for Maintenance vehicles provided to the Austin Sand Filter? * ∏Yes No 3. Is a bypass/overflow provided for storms > WQV? * 4. Is the flow path length to width ratio for the sedimentation chamber of the !full" ∏Yes □No Austin Sand Filter ≥ 2:1? ** 5. Can pretreatment be provided to capture sediment and litter in the runoff (such ∏Yes □No as using vegetation)? ** 6. Can the Austin Sand Filter be placed using an earthen configuration? ** ∏Yes No If No, go to Question 9. | Yes No 7. Is the Austin Sand Filter invert separated from the seasonally high groundwater table by \geq 10 ft)? * If No, design with an impermeable liner. □No | |Yes 8. Are side slopes of the earthen chamber 3:1 (h:v) or flatter? * No Yes 9. Is maximum depth ≤ 13 ft below ground surface? *

10. Can the Austin Sand Filter be placed in an offline configuration? **

<u>Design Elements - Delaware Filter</u>

* Required Design Element # A !Yes" response to these questions is required to further the	
consideration of this BMP into the project design. Document a !No" response in Section 5 of the SWD)F
to describe why this Treatment BMP cannot be included into the project design.	

1.	Is the drawdown time of the 2 nd chamber between 40 and 48 hours, typically 40-hrs? *	∐Yes	□No
2.	Is access for Maintenance vehicles provided to the Delaware Filter? *	∐Yes	□No
3.	Is a bypass/overflow provided for storms > WQV? **	∐Yes	□No
4.	Can pretreatment be provided to capture sediment and litter in the runoff (such as using vegetation)? **	∐Yes	□No
5.	Is maximum depth ≤ 13 ft below ground surface? *	∐Yes	□No

^{**} **Recommended** Design Element # A !Yes" response is preferred for these questions, but not required for incorporation into a project design.

Attachment I

303(d) List of Receiving Waters

2010 California 303(d) List of Water Quality Limited Segments*
Water quality limited segments requiring a TMDL(5A), being addressed by TMDL(5B), and/or being addressed by an action other than TMDL(5C).

	Trace dealing infinite beginning a tribe (but), being dedicated by tribe (but), and or being dedicated by an action to the finite tribe (but).									
REGION	WATER BODY NAME	WATER BODY TYPE	INTEGRATED REPORT CATEGORY	CALWATER WATERSHED	POLLUTANT	POLLUTANT CATEGORY	FINAL LISTING DECISION	TMDL REQUIREMENT STATUS**	EXPECTED TMDL COMPLETION DATE***	POTENTIAL SOURCES
9	San Marcos Creek	River & Stream	5	90451000	DDE (Dichlorodiphenyldichloroethylene)	Pesticides	List on 303(d) list (TMDL required list)	5A	2019	Source Unknown
9	San Marcos Creek	River & Stream	5	90451000	Phosphorus	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Unknown Nonpoint Source
9	San Marcos Creek	River & Stream	5	90451000	Phosphorus	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Source Unknown
9	San Marcos Creek	River & Stream	5	90451000	Phosphorus	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Urban Runoff/Storm Sewers
9	San Marcos Creek	River & Stream	5	90451000	Phosphorus	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Unknown Point Source
9	San Marcos Creek	River & Stream	5	90451000	Sediment Toxicity	Toxicity	Do Not Delist from 303(d) list (TMDL required list)	5A	2019	Unknown Point Source
9	San Marcos Creek	River & Stream	5	90451000	Sediment Toxicity	Toxicity	Do Not Delist from 303(d) list (TMDL required list)	5A	2019	Urban Runoff/Storm Sewers
9	San Marcos Creek	River & Stream	5	90451000	Sediment Toxicity	Toxicity	Do Not Delist from 303(d) list (TMDL required list)	5A	2019	Unknown Nonpoint Source
9	San Marcos Creek	River & Stream	5	90451000	Selenium	Metals/Metalloids	List on 303(d) list (TMDL required list)	5A	2021	Source Unknown
9	San Marcos Lake	Lake & Reservoir	5	90452000	Ammonia as Nitrogen	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Unknown Point Source
9	San Marcos Lake	Lake & Reservoir	5	90452000	Ammonia as Nitrogen	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Urban Runoff/Storm Sewers
9	San Marcos Lake	Lake & Reservoir	5	90452000	Ammonia as Nitrogen	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Unknown Nonpoint Source
9	San Marcos Lake	Lake & Reservoir	5	90452000	Nutrients	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Urban Runoff/Storm Sewers
9	San Marcos Lake	Lake & Reservoir	5	90452000	Nutrients	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Unknown Nonpoint Source
9	San Marcos Lake	Lake & Reservoir	5	90452000	Nutrients	Nutrients	List on 303(d) list (TMDL required list)	5A	2019	Unknown Point Source

Attachment J

Water Quality Standard Inventory Database (San Marcos Creek)

TRANSPORTATION

<u>Caltrans</u> > <u>DEA</u> > <u>Stormwater</u> > **Water Quality Planning Tool**

San Marcos Creek

Watershed Specific Water Quality Objectives

Waterbody Reach Beneficial Use Constituent Limit Units Details Reference Comments

Numeric Water Quality Objectives

 Beneficial Use
 Constituent
 Limit
 Units
 Details
 Reference
 Comments

 Agricultural Supply
 Boron
 0.75
 mg/L
 Quality Criteria for Water, 1986 - Gold Book.

Warm Freshwater Habitat Dissolved Oxygen -5 mg/L -

Ammonia Water Quality Objectives

Beneficial Use	Constituent	рΗ	Temperature	Duration	Concentration	Units	Details Reference
Agricultural Supply	Ammonia as N	-	-	-	0.025	mg/L	-
Water Contact Recreation	Ammonia as N	-	-	-	0.025	mg/L	-
Non-Contact Water Recreation	Ammonia as N	-	-	-	0.025	mg/L	-
Warm Freshwater Habitat	Ammonia as N	-	-	-	0.025	mg/L	-
Wildlife Habitat	Ammonia as N	-	-	-	0.025	mg/L	-

Bacteria Water Quality Objectives

Beneficial Use	Constituent	Limit Units	Details	Reference Comments
Water Contact Recreation	Fecal Coliform	400 Count per 100 ml	Log Mean-10% of Samples for 30 day	Log mean value. Based on more than 10 percent of total samples during any 30-day period.
Water Contact Recreation	Fecal Coliform	200 Count per 100 ml	Log Mean-5 Samples for 30 day	Log mean value. Based on a minimum of not less than five samples for any 30-day period.
Non-Contact Water Recreation	Fecal Coliform	4000 Count per 100	Average-10% of Samples for 30 day	Average value. Based on more than 10 percent of total samples during any 30-day period.
Non-Contact Water Recreation	Fecal Coliform	2000 Count per 100 ml	Average-for 30 day	Average value. Based on samples for a 30-day period.

Narrative Water Quality Objectives

substances will be encouraged.

Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

Constituent	Description
Biostimulatory Substances	Inland surface waters, bays and estuaries and coastal lagoon waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growths cause nuisance or adversely affect beneficial uses.
Color	Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses. The natural color of fish, shellfish or other resources in inland surface waters, coastal lagoon or bay and estuary shall not be impaired.
Dissolved Oxygen	The dissolved oxygen concentration in ocean waters shall not at any time be depressed more than 10 percent from that which occurs naturally, as the result of the discharge of oxygen demanding waste materials.
Floating Material	Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses.
Oil and Grease	Waters shall not contain oils, greases, waxes, or other materials in concentrations which result in a visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which otherwise adversely affect beneficial uses.
рН	The pH value shall not be changed at any time more than 0.2 pH units from that which occurs naturally. Changes in normal ambient pH levels shall not exceed 0.2 units in waters with designated marine (MAR), or estuarine (EST), or saline (SAL) beneficial uses. Changes in normal ambient pH levels shall not exceed 0.5 units in fresh waters with designated cold freshwater habitat (COLD) or warm freshwater habitat (WARM) beneficial uses. In bays and estuaries the pH shall not be depressed below 7.0 nor raised above 9.0. In inland surface waters the pH shall not be depressed below 6.5 nor raised above 9.5.
Radioactivity	Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.
Sediment	The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
Suspended Solids	Waters shall not contain suspended and settlable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses.
Taste and Odor	Waters shall not contain taste or odor producing substances at concentrations which cause a nuisance or adversely affect beneficial uses. The natural taste and odor of fish, shellfish or other Regional water resources used for human consumption Shall not be impaired in inland surface waters and bays and estuaries.
Temperature	The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses. At no time or place shall the temperature of any COLD water be increased more than 5F above the natural receiving water temperature.
Toxicity	All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods as specified by the Regional Board. The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors, shall not be less than taf for the same water body in areas unaffected by the waste discharge or, when necessary, for other control water that is consistent with requirements specified in US EPA, State Water Resources Control Board. As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour acute bioassay. In addition, effluent limits based upon acute bioassays of effluents will be prescribed where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic

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1 of 1 4/28/2015 4:40 PM

Attachment K

BMP Cost: Project Planning Cost Estimate (PPCE)

Storm Water BMP Cost Summary - PID Phase Only THIS INFORMATION IS FOR CALTRANS INTERNAL USE ONLY

Project Name:	I-15 / DEER SPRINGS ROAD INTERCHANGE
District:	11
County:	San Diego
Route:	15
Postmile Limits:	PM R36.0/R37.2
Project ID (or EA):	11-14000093 (11-41840K)

1.0 Design Pollution Prevention BMPs

BMP Quantity	Unit Cost		
1	\$120,000	SUBTOTAL	\$120,000

2.0 Treatment BMPs

Miles of Pavement	\$100,000 per Mile		
1.8	\$180,000	SUBTOTAL	\$324,000

3.0 Prepare SWPPP

Total Construction Cost	Cost per Table F-6		
\$20,200,000	\$11,400	SUBTOTAL	\$11,400

RQM Value (if SWPPP is required):	\$5,400
rigini tanas (ii otti i i io reganica).	φο, ισσ

4.0 Construction Site BMPs

Total Construction Cost	x.x% per Table F-3		
\$20,200,000	2.00%	SUBTOTAL	\$404,000

4.0 Stormwater Monitoring

Project Risk Level	SWM Cost-PPDG Apendix F*		
2	\$26,400	SUBTOTAL	\$52,800

TOTAL COST FOR STORM WATER BMPs	\$912,200
---------------------------------	-----------

*SWM Cost = M x {[Days0.5" x \$1000] + \$2000 (1 + 0.1 (Months/12))} where M=1; Days 0.5" = 24; and Months = 24

ATTACHMENT I

TRAFFIC ENGINEERING PREFORMANCE ASSESSMENT



TRAFFIC ENGINEERING PERFORMANCE ASSESSMENT

I-15 AT DEER SPRINGS ROAD INTERCHANGE

San Diego County, California June 25th, 2015

LLG Ref. 3-14-2316

Prepared by:
Narasimha Prasad
Senior Transportation Engineer

Under the Supervision of: John Boarman, P.E. Principal Linscott, Law & Greenspan, Engineers

TABLE OF CONTENTS

SECT	ION		PAGE
1.0	Intr	oduction	1
2.0	Proj	ject Description	3
	2.1	Intersection Control Evaluation (ICE) Process	
	2.2	Network Options	3
	2.3	Interchange Alternatives	
		2.3.1 Alternative 1 – No Build	
		2.3.2 Alternative 2 – Diamond Interchange (DDI)	
		2.3.4 Alternative 4 – Four-Roundabouts Interchange	
3.0	Exis	sting Conditions	7
	3.1	Existing Intersection Operations	7
4.0	Sum	mary of Preliminary Findings & Recommendations	9
	4.1	Assessment Approach, Data Sources and Major Assumptions	
		4.1.1 Forecasted Traffic Volumes & Conditions4.1.2 Methodology / Analysis Software	
		4.1.2 Methodology / Aharysis Software	
5.0	Scop	be of Future Traffic Engineering Studies, Activities, and Tasks LIST OF FIGURES	14
SECT	ION—F	FIGURE# FC	OLLOWING PAGE
Figu	re 1–	1 Project Area Map	2
Figu	re 2–	1 Network Options	5
Figu	re 2–2	2 Interchange Configuration and Intersection Geometry – Existing	6
		LIST OF TABLES	
SECT	ION—7	TABLE#	Page
Tabl	le 3-1	Existing Segment Volumes	7
Tabl	le 3–2	Existing Intersection Operations	8
Tabl	le 4-1	Segment Volumes	10
Tabl	le 4–1	Intersection Operations: Alternative 1 – No Build	12
Tabl	le 4–2	Intersection Operations	13

TRAFFIC ENGINEERING PERFORMANCE ASSESSMENT

I-15 AT DEER SPRINGS ROAD INTERCHANGE

San Diego County, California June 25th, 2015

1.0 Introduction

This report contains traffic information in support of the Project Study Report (PSR) prepared for the I-15 / Deer Springs Road interchange project in the County of San Diego. This Traffic Engineering Performance Assessment (TEPA) is prepared in accordance with Caltrans guidelines and presents our preliminary traffic engineering findings and provides recommendations for future analysis of the interchange alternatives. Existing traffic data was collected at the four study area intersections and segments. Freeway and ramp traffic volumes were obtained from Caltrans' California Freeway Performance Measurement System (PeMS). Analysis of existing and future conditions was performed for several interchange alternatives and is presented in this report.

The objective of the PSR is to determine the preliminary geometric design and operational characteristics for the redesigned I-15 / Deer Springs Road interchange. The information in the PSR will result in preliminary alternatives for the improvement of the I-15 / Deer Springs Road interchange that will relieve traffic congestion around the interchange and the ramps in the long-term.





LINSCOTT LAW & GREENSPAN

N:123161 Operations ReportiTEPAlFigures Date: 05/04/15 Figure 1-1

2.0 Project Description

The I-15/Deer Springs Road interchange serves as a primary access to the interstate highway system for the Hidden Meadows and Twin Oaks Valley communities.

2.1 Network Options

The following two Network Options were analyzed in the PSR:

- *Option A* assumes Deer Springs Road to be a 4.1A Major Road between I-15 SB Ramps and Twin Oaks Valley Road, except between Sarver Lane and Mesa Rock Road, where it is assumed as a 2.1A Community Collector section with a continuous turn lane.
- Option B assumes Deer Springs Road as a 6.1 Prime Arterial per the San Diego County Mobility Element.

Figure 2-1 depicts the two network options.

In addition to the above options, volumes are forecasted without the eastward extension of Mountain Meadow Road (Mirar De Valle Road) to Valley Center Road, since this connection is speculative.

2.2 Intersection Control Evaluation (ICE) Process

In the development of the alternatives for the PSR-PDS and as part of the Intersection Control Evaluation (ICE) process, the Project Development Team (PDT) conducted an alternatives screening process through a series of workshops. During this screening process, the PDT determined weighted evaluation criteria along with a range of potential alternatives. The weighted evaluation criteria were then used to compare and rank each of the potential alternatives. As a result of this screening process, it was decided to eliminate the single point interchange (SPI), hook ramp interchange, 6-leg roundabout, along with various loop ramp alternatives from further evaluation.

2.3 Interchange Alternatives

2.3.1 Alternative 1 – No Build

In this alternative, the existing interchange configuration and intersection geometry is assumed and no improvements are included.

Figure 2-2 depicts the Existing interchange configuration and intersection geometry and indicates the intersections studied in this document.

2.3.2 Alternative 2 – Diamond

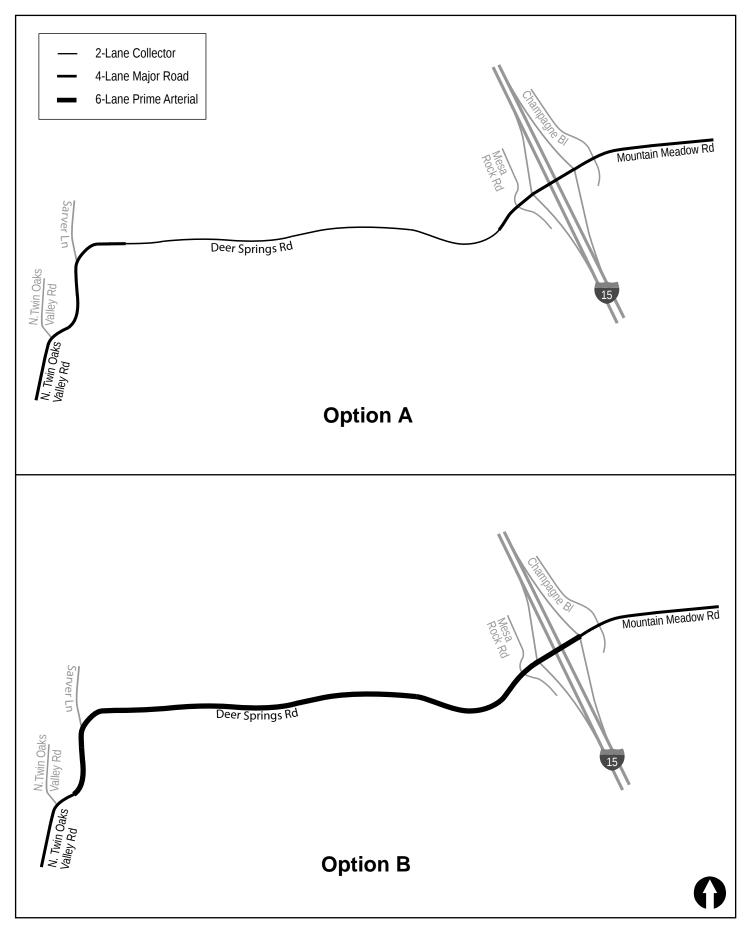
In this alternate, the existing interchange configuration is assumed with improved geometry at each of the intersections such as dual left-turn lanes and additional through lane(s) at the two ramp intersections. It is proposed to relocate the I-15 SB ramps further east to increase intersection spacing between the SB ramps and Mesa Rock Road.

2.3.3 Alternative 3 – Diverging Diamond Interchange (DDI)

In this alternative, a *diverging diamond interchange* (DDI) configuration is assumed. The adjacent intersections at the frontage roads are signalized.

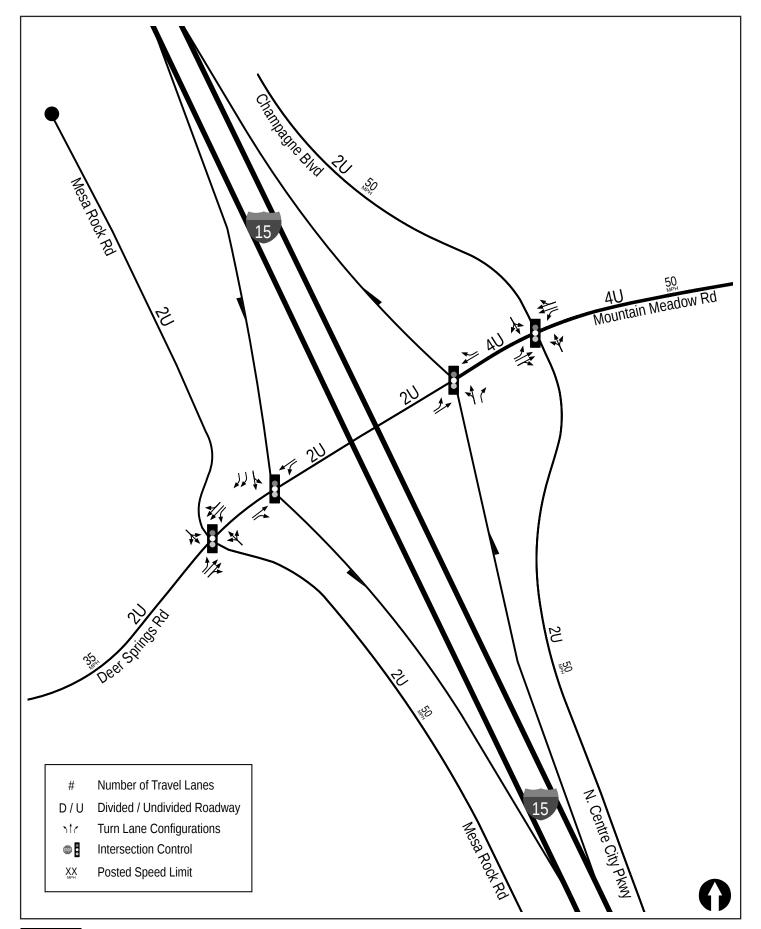
2.3.4 Alternative 4 – Four-Roundabouts Interchange

In this alternative, roundabouts are assumed at each of the ramp intersections and the frontage road intersections at Deer Springs Road.





N:\2316\Ops Rpt\TEPA Date: 05/06/15 Figure 2-3





N:\2316\Operations Report\TEPA\Figures Date: 05/04/15

Figure 2-2

3.0 **EXISTING CONDITIONS**

This section discusses the existing conditions in the study area. Existing conditions traffic volume data was obtained from the Final Traffic Volumes Report I-15/Deer Springs Road Interchange, San Diego, California, April 21st, 2015. The data was assembled from the Caltrans' California Freeway Performance Measurement System (PeMS) for the freeway segments. AM / PM peak hour and daily segment volume counts were conducted on January 21, 2014.

Average Daily Traffic (ADT) volumes for existing conditions are summarized in *Table 3-1*.

TABLE 3-1 EXISTING SEGMENT VOLUMES

Street Segment	ADT ^a
Y 15 M. deller	
I-15 Mainline	
Gopher Canyon Rd to Deer Springs Rd	127,900
Deer Springs Rd to Centre City Pkwy	124,200
Deer Springs Road	
Sarver Lane to Mesa Rock Road	17,000
Mesa Rock Road to I-15 SB Ramps	20,000
I-15 SB Ramps to I-15 NB Ramps	15,600
I-15 NB Ramps to Champagne Boulevard	11,200
Mountain Meadow Road	
East of Champagne Blvd	7,900

Footnote:

3.1 **Existing Intersection Operations**

Table 3–2 summarizes the existing peak hour intersection operations at the study area intersections. As seen in Table 3-2, all study area intersections are calculated to currently operate at LOS D or better, except the Deer Springs Road / I-15 NB Ramps intersection, which is calculated to operate at LOS E during the PM peak hour.

However, though the calculated existing intersection operations are acceptable, during the AM peak hour, the westbound queues extend from Mesa Rock Road several hundred feet eastward, east of the southbound ramps intersection and during the PM peak hour, the eastbound queues extend from the southbound ramps intersection several hundred feet westward, west of Mesa Rock Road.

ADT - Average Daily Traffic Volumes

TABLE 3-2 **EXISTING INTERSECTION OPERATIONS**

Intersection	Control Type	Peak Hour	Delay ^a	LOS b
Deer Springs Rd / Champagne Blvd	Signal	AM	11.3	В
1. Deer Springs Ru / Champagne Bivu	Signai	PM	11.3	В
		1 141	11.1	D
2. Deer Springs Rd / I-15 NB Ramps	Signal	AM	24.0	С
		PM	66.0	E
3. Deer Springs Rd / I-15 SB Ramps	Signal	AM	35.1	D
		PM	31.7	C
4. Deep Covings Dd / Mass Deels Dd	Ci amal	A N //	10.6	D
4. Deer Springs Rd / Mesa Rock Rd	Signal	AM	18.6	В
		PM	18.3	В

Footnotes:

a. Average delay expressed in seconds per vehicle.b. Level of Service

Signalize	ed	Unsignalized		
Delay	LOS	Delay	LOS	
0.0 < 10.0	A	0.0 < 10.0	A	
10.1 to 20.0	В	10.1 to 15.0	В	
20.1 to 35.0	C	15.1 to 25.0	C	
35.1 to 55.0	D	25.1 to 35.0	D	
55.1 to 80.0	E	35.1 to 50.0	E	
> 80.1	F	> 50.1	F	

4.0 SUMMARY OF PRELIMINARY FINDINGS & RECOMMENDATIONS

4.1 Assessment Approach, Data Sources and Major Assumptions

4.1.1 Forecasted Traffic Volumes & Conditions

Future traffic volume data was obtained from the *Final Traffic Volumes Report I–15/Deer Springs Road Interchange*, San Diego, California, April 21st, 2015. Long-term analysis is based on SANDAG Series 12 Year 2035 model. Therefore, LLG obtained Year 2035 with Sierra Project model runs for *Options A and B*, these models included the *Mountain Meadow Road connection*. Year 2040 volumes were forecasted using a three-step process.

Step 1 – Year 2035 Volume Forecast

LLG worked with SANDAG staff to enter project land uses into the Year 2035 model. Project land uses for each of the 7 neighborhoods were input into the model exactly as proposed. The model runs for all Options used the same project land use inputs. The network assumptions for Options A and B were inputted accordingly for each model run while keeping the land use constant. The Year 2035 with Sierra Project volumes were obtained from each model run.

Step 2 – Growing Year 2035 Volumes to Year 2040

In Step 2, a Select Zone Assignment for the project-only trips was conducted. The project-only trips assigned to the street system were then removed from the Year 2035 With Sierra Project ADT to arrive at Year 2035 Without Sierra Project traffic volumes. This was done so Sierra would not have the growth factor applied to them.

Step 3 – Year 2040 Volumes

Growth factors were developed for each segment and five years of growth was added to each segment. The Sierra Project traffic was then added back in to obtain the Year 2040 with Sierra Project traffic. These steps are described in detail in the following section.

A model without the eastward connection of Mountain Meadow Road towards Valley Center Road was run. The volumes from the "with" and "without" Mountain Meadow Road connection were compared and a relationship (percentage change) between the two was developed for each segment. These percentage changes were applied to the ADT volumes, to obtain the *Option A without Mountain Meadow Road Connection* volumes. The AM / PM peak hour volumes were forecast as described above for *Option A*.

Average Daily Traffic (ADT) volumes (without the eastward connection of Mountain Meadow Road for Option A and Option B are summarized in *Table 4-1*.

4.1.2 Methodology / Analysis Software

Peak hour intersection analysis was conducted for the four study area intersections for all project alternatives. The Synchro analysis software was used to conduct the peak hour intersection analysis. The following section summarizes the results of this analysis.

TABLE 4-1
SEGMENT VOLUMES

Street Segment	Existing	Year 2040	
		Option A	Option B
I-15 Mainline			
Gopher Canyon Rd to Deer Springs Rd	127,900	178,840	180,090
Deer Springs Rd to Centre City Pkwy	124,200	180,370	185,690
Deer Springs Road			
Sarver Lane to Mesa Rock Road	17,000	24,620	34,950
Mesa Rock Road to I-15 SB Ramps	20,000	36,010	38,510
I-15 SB Ramps to I-15 NB Ramps	15,600	26,100	29,330
I-15 to Champagne Boulevard	11,200	22,750	27,650
Mountain Meadow Road			
East of Champagne Blvd	7,900	14,560	15,530

4.1.3 Preliminary Assessment Findings

The existing nonstandard intersection spacing between the Mesa Rock Road intersection and the southbound I-15 ramp termini negatively impacts traffic operations in this area. Considering this, the existing north leg of the Mesa Rock Road intersection, which is proposed to be used as the main entrance for the Sierra Project, has been positioned as far west as possible for each of the build alternatives. Due to geometric, socio economic, and other environmental constraints as described in the PEAR, this intersection cannot be positioned any further west. The south leg of Mesa Rock Road cannot be moved due to existing development. In addition, the southbound I-15 ramp termini have been positioned as far east as possible for each of the alternatives in order to maximize the distance between these intersections and optimize the overall traffic operations for this area.

Alternative 1 – No Build

Option B volumes are used in the *No Build* analysis since that corresponds to the County Mobility Element. *Table 4-1* summarizes the *No Build* intersection analysis. As seen in *Table 4-1* two intersections are calculated to operate at LOS E/F or worse conditions.

In the *No-Build* alternative, though the calculated intersection operations are acceptable, as in the case of the existing condition, during the AM peak hour, the westbound queues extend from Mesa Rock Road several hundred feet eastward, east of the southbound ramps intersection and during the PM peak hour, the eastbound queues extend from the southbound ramps intersection several hundred feet westward, west of Mesa Rock Road.

Alternative 2 – Diamond Alternative

Table 4-2 summarizes the *Diamond* intersection analysis. As seen in *Table 4-2* all intersections are calculated to operate at LOS D or better.

Though the calculated intersection operations are acceptable, as in the case of the *No-Build* condition, during the AM peak hour, the westbound queues extend from Mesa Rock Road several hundred feet eastward, east of the southbound ramps intersection and during the PM peak hour, the eastbound queues extend from the southbound ramps intersection several hundred feet westward, west of Mesa Rock Road.

<u>Alternative 3 – Diverging Diamond Alternative</u>

Table 4-2 summarizes the *Diverging Diamond* intersection analysis. As seen in *Table 4-2* all intersections are calculated to operate at LOS D or better.

In this alternative, though the calculated intersection operations are acceptable, as in the case of the Alternative 2, during the AM peak hour, the westbound queues extend from Mesa Rock Road several hundred feet eastward, east of the southbound ramps intersection and during the PM peak hour, the eastbound queues extend from the southbound ramps intersection several hundred feet westward, west of Mesa Rock Road.

<u>Alternative 4 – Four Roundabouts Alternative</u>

Based on the future forecasted volumes, two-lane roundabouts are not expected to operate at acceptable levels of service in the long-term. Therefore, a preliminary "sensitivity" analysis was conducted to determine the period up to which a system of two lane roundabouts would operate at LOS D or better. This analysis indicated that both with Option A and Option B traffic, the system of two-lane roundabouts are calculated to operate at LOS E or worse prior to Year 2040. Another analysis was conducted to determine if a system of 3/2-lane roundabouts would operate at LOS D or better for a few years. This alternative was calculated to operate at LOS D or better for 5 years or less from installation.

The analysis of a *4-Roundabout* alternative is not finalized. The 4-roundabouts could be analyzed as a network using the VisSim or Corsim softwares in the PR&ED phase. It is possible that the roundabouts would operate more efficiently when analyzed as a network. Since standards and software used to analyze the capacity of roundabouts are evolving, further analysis of this alternative will be required during the PA&ED phase to fully assess its traffic performance per the required Intersection Control Evaluation (ICE) process. As such, the PDT determined that this alternative should remain in the PSR-PDS.

TABLE 4-1 INTERSECTION OPERATIONS: ALTERNATIVE 1 – NO BUILD

Control Type	Peak Hour	Delay ^a	LOS b
Signal	ΔΜ	27.7	С
Signai	PM	31.8	C
G: 1	43.6		
Signal			E F
	2 1/1	_500	-
Signal	AM	62.2	E
	PM	161.8	F
Signal	AM	38.0	D
	PM	30.4	С
	Signal Signal	Signal AM PM Signal AM PM Signal AM PM Signal AM AM PM Signal AM	Signal AM 27.7 PM 31.8 Signal AM 55.7 PM 236.0 Signal AM 62.2 PM 161.8 Signal AM 38.0

Footnotes:

Average delay expressed in seconds per vehicle. Level of Service

Signalize	d
Delay	LOS
0.0 < 10.0	A
10.1 to 20.0	В
20.1 to 35.0	C
35.1 to 55.0	D
55.1 to 80.0	E
> 80.1	F

TABLE 4–2 INTERSECTION OPERATIONS

Intersection	Control	011101171		он А	OPTION B	
	Type	nour	Delay ^a	LOS b	Delay	LOS
Alternative 2 – Diamond						
1. Deer Springs Rd / Champagne Blvd	Signal	AM	47.5	D	49.7	D
		PM	38.4	D	39.3	D
2. Springs Rd / I-15 NB Ramps	Signal	AM	35.0	С	35.6	D
		PM	51.6	D	50.7	D
3. Deer Springs Rd / I-15 SB Ramps	Signal	AM	42.7	D	42.1	D
		PM	25.0	С	29.5	C
4. Deer Springs Rd / Mesa Rock Rd	Signal	AM	29.9	С	23.8	C
		PM	48.3	D	35.9	D
Alternative 3 – Diverging Diamond						
1. Deer Springs Rd / Champagne Blvd	Signal	AM	43.3	D	36.9	D
	Signar	PM	47.1	D	42.2	D
2. Deer Springs Rd / I-15 NB Ramps	Signal	AM	31.4	C	14.1	В
		PM	34.2	С	49.7	D
3. Deer Springs Rd / I-15 SB Ramps	Signal	AM	16.6	В	8.5	A
		PM	22.2	С	21.8	C
4. Deer Springs Rd / Mesa Rock Rd	Signal	AM	25.3	С	28.9	С
i. Deer Springs Rd / Mesa Rock Rd	Signai	PM	23.3	C	23.7	C

Average delay expressed in seconds per vehicle. Level of Service

d
LOS
A
В
C
D
E
F

5.0 Scope of Future Traffic Engineering Studies, Activities, and Tasks

Further operational analyses listed below will be conducted:

- Freeway mainline segments
- ILV analysis of the ramp intersections
- Ramp merge
- Ramp diverge

The following will be evaluated / developed:

- Vehicular, pedestrian and bicycle safety for each of the alternatives
- Electrical systems including type, service, hardware, software
- A traffic management plan for the work zone during construction

From: Goebel, Karen
To: Michael McCollum

Cc: Fris, Michael; Mendel Stewart; Lynch, Michelle R CIV USARMY CESPL (US); Mark Wardlaw; Ed Pert

Bcc: <u>susan wynn@fws.gov</u>

Subject: Newland Sierra Project 4(d) vs Section 7 vs Section 10

Date: Thursday, March 16, 2017 1:14:39 PM

Hi Mike,

In follow-up to our discussion on Friday, Mike Fris asked me to provide some additional information concerning the need for a take exemption for gnatcatchers for the Newland Sierra project. I have copied the Department and the County on this email so that they are informed about this discussion. We have had these same discussions with the project proponents at meetings where the Department and County were present so the information should not be new to them. I am also copying the Corps of Engineers (Corps) since they may be involved through the section 7 consultation process.

As we discussed, there are 3 processes allowed under the Act for the Service to grant take exemptions: through section 7 consultations where a Federal nexus exists, through section 10 permits, and for threatened species only (e.g., gnatcatcher), special 4(d) rules.

All of these avenues are available to the project proponents for the Newland Sierra project because 1) a Federal nexus exists under section 7 with the Corps, 2) an individual section 10 permit could be pursued in advance of the North County regional planning effort, which is still underway, or 3) the project proponent could apply through the County for a habitat loss permit (HLP) consistent with the special 4(d) rule, State NCCP process and conservation guidelines, and the County's ordinance implementing the 4(d) process within the County.

This is to confirm that only one process is required to grant the take exemption such that no HLP permit would be required if a take exemption was granted through either the section 7 or section 10 process. For the benefit of the Department and County, this statement is confirmed in the special 4(d) rule on page 65090 and in Attachment F of the County's ordinance, which have been forwarded to the Department and County by separate email.

You have asked for clarification regarding how the Service would address the coastal sage scrub (CSS) impacts of the project on gnatcatcher if the Corps initiated section 7 consultation with us. We attempt to address this question here, though we have not yet seen the Corps' final scope of analysis for areas under their jurisdiction nor have we determined whether our scope of analysis may differ. I also do not believe that the Corps has initiated consultation with us for the Newland Sierra project.

For discussion purposes <u>only</u>, let's assume the Service will include all CSS within our scope of analysis. I assume this may be logical in this instance because CSS is the primary habitat of gnatcatchers and we will need to evaluate the impact of both the loss and conservation of CSS due to the project on individual gnatcatchers (i.e., will there be take?) and determine how these impacts affect overall gnatcatcher survival and recovery at the species level, as is required when making our jeopardy/no jeopardy determination.

From the preliminary information we have received, the project will remove occupied CSS near the I-15 corridor supporting 1 gnatcatcher pair. I am not quite sure how much of this pair's territory will be affected without specific project information; but for this purpose, let's assume the loss represents the majority, if not all, of the CSS within this pair's territory.

Although unoccupied CSS exists in the southern interior section of the project site, this CSS also falls within the development footprint. Thus, birds displaced birds from existing occupied habitat cannot be expected to disperse to nearby unoccupied habitat onsite. Likewise, CSS within the northern portion of the site is already occupied. Based on this preliminary assessment, take of the gnatcatcher pair near the I-15 corridor is likely.

In making our jeopardy/no jeopardy determination, impacts to 1 pair of gnatcatchers and loss of the onsite CSS will be measured against conservation of the CSS in the northern portion of the site and any offsite conservation required as mitigation through the CEQA process. Thus, under this scenario, we will have addressed all of the onsite habitat, whether lost or conserved; the unoccupied CSS onsite, though no take is anticipated specifically from removal of unoccupied CSS; and any offsite habitat offered as mitigation in support of recovery of the species.

We should also clarify that the Service does not take a position as to which path you take (section 7 vs. HCP vs. 4(d)/HLP). We are simply clarifying options for you. Issuance of a non-jeopardy biological opinion should not be viewed as Service support for the project (or lack of support). We have expressed concern to the County about the overall project design's fragmentation of a core habitat area. We have also requested clarification on how the County will assemble a North County

preserve that relies on conservation of 75 percent of the Pre-Approved Mitigation Area when large projects, such as Newland Sierra and others, are not required to individually meet this conservation goal. Our understanding is that the County views these issues as resolvable and plans to address them in future iterations of the conservation design. Nevertheless, these are regional conservation planning issues that have not yet been resolved and which may be highlighted during the CEQA review process for this project.

Hope this helps, and you can call me if you have questions. I will be teleworking (760-415-2802) this afternoon up until 4:00 pm. After that, I am off to Seattle through Monday of next week.

Sincerely,

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax From: Zack, Winston S CIV CPMS (US)

To: Stadtlander, Doreen

CC: <u>susan wynn; Lynch, Michelle R CIV USARMY CESPL (US); Dahl, Kyle J CIV USARMY CESPL (US)</u>
Subject: <u>RE: [Non-DoD Source] Re: [EXTERNAL] Newland Sierra - Corps-Service-Applicant meeting</u>

Date: Thursday, May 3, 2018 1:35:57 PM

The Applicant is aware that updated surveys will need to be done. They can't do those this year because of their EIR process doesn't want updated surveys. So they plan on conducting updated surveys next year.

The main point of this requested meeting is to identify Scope and what the Corps' Action Area will be for future consultation. The other part of the meeting would be related to what, if any, other non-Corps areas of the project site may/may not need to be consulted on. There are probably other questions the Applicant (and team) want to get clarified, but I can't think of what those would be right now.

Thanks!

----Original Message-----

From: Stadtlander, Doreen [mailto:doreen_stadtlander@fws.gov]

Sent: Thursday, May 3, 2018 1:18 PM

To: Zack, Winston S CIV CPMS (US) < Winston.S.Zack@usace.army.mil>

Cc: susan wynn <susan wynn@fws.gov>; Lynch, Michelle R CIV USARMY CESPL (US)

<Michelle.R.Lynch@usace.army.mil>; Dahl, Kyle J CIV USARMY CESPL (US) <Kyle.J.Dahl@usace.army.mil>

Subject: [Non-DoD Source] Re: [EXTERNAL] Newland Sierra - Corps-Service-Applicant meeting

Hi Winston,

My understanding is that the Corps had previously met with the project applicant and recommended that the CAGN surveys be updated. Have you received the results?

Doreen

On Thu, May 3, 2018 at 11:00 AM, Zack, Winston S CIV CPMS (US) <Winston.S.Zack@usace.army.mil <mailto:Winston.S.Zack@usace.army.mil> > wrote:

Susan and Doreen,

Could you please provide me with some dates/times we could set up a meeting for the Newland Sierra Project?

I recall you wanted to have an Agency (Corps & Service) meeting before we meet with the Applicant. So, potentially we could have back-to-back meetings on the same day? Food for thought.

Thank you,

Winston S. Zack Regulatory Project Manager, Archaeologist, M.S., RPA U.S. Army Corps of Engineers Regulatory Division 5900 La Place Court, Suite 100 Carlsbad, CA 92008 Office Phone: (760) 602-4838 --

Doreen Stadtlander Division Chief Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008 (760) 431-9440, ext. 223 From: Goebel, Karen

To: Statdlander, Doreen; Wynn, Susan; Carol Roberts; Jon Avery; Woulfe, MaryBeth; Jane Hendron

Subject: Fwd: Permitting issue

Date: Tuesday, April 18, 2017 2:06:43 PM
Attachments: San Diego Issue Brief 4 18 2017.docx

Just FYI. This meeting will be with Paul and Mike next week as a result of the Matrix meeting in D.C. Bullet assignment was prepared by Dan and edited by me. See attached.

Jane, copying you because this is a congressional meeting. Did you ever see the matrix? If not, I can forward to you. It would be good for you to be aware of these issues since they seem to be causing the RO to engage a lot, and I don't know how that translates into potential hot topics or not.

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax

----- Forwarded message -----

From: **Cox, Dan** < dan cox@fws.gov > Date: Mon, Apr 17, 2017 at 3:55 PM

Subject: Re: Permitting issue

To: "Stewart, Mendel" < mendel_stewart@fws.gov >, Karen Goebel

<Karen Goebel@fws.gov>

Cc: Michael Fris < michael_fris@fws.gov >, Michael Senn < michael_senn@fws.gov >

Mendel and Karen,

looks like we will need to talk and maybe come up with some quick bullets on where we are on our list of projects... do you want to take the first stab at this or would you like me to?

I don't have any more information than what's is in this email chain, but my guess is we should be ready to talk about:

- Santee
- North County Plan
- Newland
- Eagle issues and village 13/14

I will call you tomorrow and we can discuss.

thanks dan

On Mon, Apr 17, 2017 at 12:47 PM, Michael Fris < michael fris@fws.gov > wrote: See below. Let's check in on status of our various projects before then.

Sent from my iPhone

Begin forwarded message:

From: "Rische, Robert" < <u>Robert.Rische@mail.house.gov</u>>

Date: April 17, 2017 at 12:30:58 PM PDT **To:** 'Paul Souza' < paul_souza@fws.gov>

Cc: Michael Fris < Michael Fris@fws.gov >, "michael senn@fws.gov"

<<u>michael_senn@fws.gov</u>>, Dan Cox <<u>Dan_Cox@fws.gov</u>>,

"wanda_cantrell@fws.gov" <wanda_cantrell@fws.gov>,

"amedee_brickey@fws.gov" <amedee_brickey@fws.gov>

Subject: RE: Permitting issue

Next Monday (4/24) at 3:00 will work for me. Just to clarify, are you DC-based and can meet in person or would this be a call? Either works for me, just wanted to clarify.

Thanks.

Robert

From: Paul Souza [mailto:paul souza@fws.gov]

Sent: Monday, April 17, 2017 3:03 PM

To: Rische, Robert

Cc: Michael Fris; michael senn@fws.gov; Dan Cox; wanda cantrell@fws.gov;

<u>amedee brickey@fws.gov</u> Subject: **Re: Permitting issue**

Thanks for the note, Robert. I'd be happy to meet with you anytime.

Just took a quick look at the calendar . . . Would early next week work? How about Monday, April 24 at 3:00 pm EST or Tuesday, April 25 at 2:00 pm EST? If you'd prefer a different time, just say the word.

Looking forward to the conversation . . . Sincerely, Paul Souza Regional Director Pacific Southwest U.S. Fish and Wildlife Service 2800 Cottage Way, Suite W-2606 Sacramento, CA 95825 916-414-6469 916-208-2457 Cell https://www.fws.gov/cno On Apr 17, 2017, at 2:13 PM, Rische, Robert <<u>Robert.Rische@mail.house.gov</u>> wrote: Good afternoon, My name is Robert Rische and I'm counsel to Congressman Issa in his D.C. office. We recently met with James Whalen and Jeff O'Connor, representing development industries who conveyed they were having difficulty obtaining permits from the U.S. Fish & Wildlife Service with respect to developments in and around our congressional district. They mentioned they had been in contact with your agency, so I wanted to touch base with you. Would you be available for a call later this week or early next week to discuss further? Thanks, Robert

Robert Rische

Counsel

Office of Congressman Darrell Issa (CA-49)

2269 Rayburn House Office Building

Washington, D.C. 20515

202-225-3906

robert.rische@mail.house.gov

<image001.png> <image002.png>
<image003.png> <image004.png>

Dan Cox US Fish and Wildlife Service Section 10 (HCP) Coordinator

2800 Cottage Way W2606 Sacramento, Ca 95825 (916) 414-6539 dan_cox@fws.gov

• City of Santee- new HCP (Subarea Plan under the MSCP)

- **Summary of the project**: We are working with the City of Santee on their draft Subarea Plan. The Subarea Plan will focus on the biggest development project proposed within the City, the Fanita Ranch project.
- **Status**: Working through the process to negotiate their Subarea Plan. CFWO discussed a new reserve design with the City, waiting for a response.
- Concerns: The developer felt like they had a hard line agreement from 20 years ago. Hard line agreements go into effect at permit issuance when take is authorized. No permit has yet been issued for the City's Subarea Plan, and species' status and needs have changed in the area, which is why we have proposed changes from the design that was identified in the former hardline agreement.
- Next steps: Waiting to hear back from the City on CFWO's proposed reserve design.

North County Plan- new HCP

- **Summary of the project**: We have been working with San Diego County to develop their North County Plan.
- Status: Meetings with the County occur about 2 times per month; the plan is still being drafted. County gave CFWO a preliminary draft plan in early April, which is under review by CFWO.
- Concerns: Working with new County staff that are inexperienced in developing HCPs. County wants draft plan out to the public in September; CFWO feels like this is an ambitious schedule due to outstanding issues (e.g., new conservation analysis not yet discussed or understood, funding, working through golden eagle issues.)
- Next steps: CFWO commenting on sections of their preliminary plan by April 30th

Newland Sierra Development- new development project

- Summary of the project: New development project proposed within the draft North County Plan.
- Status: CFWO has been in discussions with the developer to explain their regulatory options for take authorization, including a section 7 consultation or take authorization through the existing gnatcatcher 4d rule. Developer purchased land that they propose to meet mitigation needs.
- **Concerns**: The proposed mitigation was purchased without input from the Wildlife Agencies (CFWO and CDFW) and does not address our concerns expressed for impacts to the overall reserve design of the North County Plan.
- Next steps: Section 7 seems to be a viable option to pursue for take authorization.

San Diego MSCP and Eagle Issues with Village 14- within existing HCP

- **Summary of the project**: Development within the San Diego MSCP. Golden eagle take was not authorized in this area in the MSCP, but the latest science indicates that take may occur from the development.
- Status: CEQA has been initiated (Notice of Preparation) by the County of San Diego for the proposed development project. Environmental groups are talking with the developer about options to alleviate the situation. FWS (RO and CFWO) is working through the biological and regulatory questions associated with the proposed development project.
- **Concerns**: There are limited solutions that work for the developer and for golden eagles. Maintaining partnerships with the County, developers, and environmental groups has been challenging as they have opposite views on resolution.

 Next steps: CFWO is meeting on May 4th with San Diego County to discuss eagle issues.

San Diego MSCP and Quino/Eagle Issues with Village 13- within existing HCP

- Summary of the project: CFWO is working with San Diego County to figure out how to adjust their project and or the MSCP to address take of quino checkerspot butterfly. Quino is not a covered species under the MSCP.
- Status: Working with the County to balance quino checkerspot butterfly and golden eagle conservation needs with developer needs. The County is considering amending the MSCP to include quino or developing a new HCP for quino only.
- Concerns: Quino locations are all over the proposed development footprint so take cannot be avoided; need to find the right balance between development and conservation needs.
- Next steps: CFWO is proposing a solution that will hopefully work for the developer and for conservation of quino checkerspot butterfly. The potential solution involves a reserve design change that will also help to address concerns about golden eagles.

• Ramona Grasslands Preserve- recreation

- Summary of the project: The desire for increased public access within land purchased with Federal grant funding increases risks to golden eagle conservation, which was a primary purpose of the grant funding.
- Status: CFWO is working with the County to try and find a balance between recreational access and conservation of golden eagles. Since the land was acquired, a docent led trail program during the limited non-breeding season for resident golden eagles (September 1 December 1) has been used as a compromise. The County is now pushing for the trail to be open for 3 months without usage control.
- Concerns: Potential abandonment of an active golden eagle territory due to recreation in an area that was purchased for the conservation of golden eagles and other raptors.
- Next steps: Continue to work with the County to find a balance for both parties.

From: <u>Stadtlander, Doreen</u>
To: <u>Susan Wynn</u>

Subject: Fwd: FW: [EXTERNAL] RE: Checking In Tuesday, April 3, 2018 8:54:47 AM

see email chain..

----- Forwarded message -----

From: **Stewart, Mendel** < mendel stewart@fws.gov>

Date: Mon, Apr 2, 2018 at 5:34 PM

Subject: Fwd: FW: [EXTERNAL] RE: Checking In To: "Roberts, Carol" <<u>carol_a_roberts@fws.gov</u>>

Cc: "Sobiech, Scott" <<u>scott_sobiech@fws.gov</u>>, Karen Goebel <<u>karen_goebel@fws.gov</u>>,

Doreen Stadtlander < doreen_stadtlander@fws.gov >

Carol,

Please provide any input you have to Doreen so we can provide an update to the Regional office by COB on Tuesday.

Thank you < Mendel

----- Forwarded message -----

From: Michael Fris < michael fris@fws.gov>

Date: Mon, Apr 2, 2018 at 11:59 AM

Subject: FW: [EXTERNAL] RE: Checking In

To: Mendel Stewart < mendel stewart@fws.gov>, Dan Cox < Dan Cox@fws.gov>

Mendel, Dan: See comments by Jim W below. I'm gonna ask Dan to help put together a paragraph on status of each of these. I don't think we need to rebut or correct him, but just clear the air on where we are with each. Shouldn't be that hard. Dan: I can sit with you today and outline them. I can be on the phone early tomorrow to walk through them with both of you, and be able to walk through status of each of these, do any necessary clarifications or course corrections, and move forward

From: Evans, April [mailto:april evans@fws.gov]

Sent: Friday, March 30, 2018 12:35 PM

To: Holzworth, Jody

Cc: Michael Fris; Wanda Cantrell

Subject: Re: [EXTERNAL] RE: Checking In

Both are scheduled. 8-9 pre-brief and 9-10 call with Jim Whalen.

April Evans,
U.S. Fish and Wildlife Service
Secretary to the Assistant Regional Director
Ecological Services
Region 8
(916) 414-6516
(916) 414-6462 FAX
On Fri, Mar 30, 2018 at 10:39 AM, Holzworth, Jody < jody_holzworth@fws.gov > wrote:
Mike,
Please make Paul's asks here next week's priority, including an updated briefing paper by COB Tuesday. Let me know how I can help.
April, please schedule a pre-brief on San Diego HCP issues for Wednesday morning that includes Mike, Paul and myself. Then, please schedule a time to visit with Jim Whalen after the first Wednesday meeting, if possible. Paul plans to call into both of these meetings while on vacation (he is on EST so mornings are best). It would be good if we can get these scheduled today.
Mike, you'll want to let Wanda know who else will be joining us from your team and Carlsbad on Monday.
Thank you!
Jody
Forwarded message

From: **Paul Souza** < <u>paul souza@fws.gov</u>> Date: Thu, Mar 29, 2018 at 4:34 PM

Subject: Fwd: [EXTERNAL] RE: Checking In To: Michael Fris < Michael Fris@fws.gov>

Cc: <u>jody_holzworth@fws.gov</u>

Mike,

As we discussed, I'm going to need a briefing on the status of these projects (see below) . . . Your RO team can lead the briefing and Carlsbad can join the pre-brief. Probably Wednesday morning and I'd like a written briefing paper the day before. Jim implies there may be other issues coming, too. I'm going to see if we schedule the meeting with Jim and his colleagues right after. Jim specifically said he did not want Carlsbad in that meeting.

Let's see how far we can get on each of these issues. I'd like you and your team to be able to clearly define the sticking points on the remaining issues. Please see if we can get them thinking about fair solutions that are workable for the developers. I've found it difficult to separate the key issues from the less important issues in some of the briefings with Carlsbad. Not sure who should be the key voice on the phone from that office . . . Use your good judgment.

Many thanks,

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
https://www.fws.gov/cno

Begin forwarded message:

From: James Whalen <james@jwhalen.net>
Date: March 29, 2018 at 7:18:01 PM EDT
To: Paul Souza <paul_souza@fws.gov>
Subject: [EXTERNAL] RE: Checking In

Hi Paul—thanks for getting back to me. You are right, we are planning on sending you what we are looking for, but it has been taking longer than I'd hoped. I'll get it asap. I had been hoping to do something this week with you so as not to bother you on vacation next week, but Dudek isn't quite done yet. Here

is where we stand:

Low-Hanging Fruit

Warner Springs Ranch—we brought you material February 12, 2016, on the benefits of proceeding with a "mega-preserve" of 100,000 acres in the Henshaw Valley over a year ago, but nothing has happened (because there is no development "threat"?). This has the potential to really help on golden eagle and other apex species, not to mention Quino and about three other listed species. We need a champion from your office who will make this is a priority. The request to you is to help make this conservation effort happen by assigning one of the best Carlsbad FWS people to this, Jonathan Snyder, who gets things done.

Newland Sierra—Rita Brandin and I met with you on December 18, 2017, and you said a Section 7 for the gnatcatcher was the simplest path forward. We took this direction. The Newland team has submitted its 404 application, and the Corps said they will ask for a meeting with the FWS. We requested that Mike Fris be personally involved to ensure there are no jeopardy issues. We request that this process be completed under your oversight to ensure it is satisfactorily completed.

Tougher Calls

Otay Ranch Village 14—material in support of the Land Exchange was given to your office on June 26, 2017. Since then, despite having a compelling argument for a superior project with the land exchange, and spending \$2MM to do it as directed by FWS, there has been no movement. We tried in good faith, but have run out of time, so the current project is proceeding to approval. The County is issuing findings that will resolve the Baldwin letter issues. FWS is trying to require a MSCP major boundary adjustment rather than allowing the findings permitted under the County's Biological Mitigation ordinance. Because we anticipate objection from FWS, our request is to allow the County to proceed with the BMO findings without objection from FWS.

Fanita Ranch—Jeff O'Connor and I met with you on August 21, 2017, and shared three footprints, two of which were acceptable to the FWS. The third, which is the project proposed today, is clearly superior to the other two on its face, but was rejected by the Carlsbad FWS. The documentation that supports Home Fed's assertion that their proposal is superior is almost done. The request is to support the inclusion of the Home Fed footprint in the incipient Santee MSCP Subarea Plan.

Village 13—Stephen Haase and I met with you on June 21, 2017, and came back with your admonition to document the adequate mitigation of Quino impacts in a revised footprint called Alternative H. We also met twice more to no avail with Carlsbad. We have nearly completed the requested documentation. Based upon expert analysis, it is clear a key element necessary for survival of the species is conservation and management. Alternative H implements this strategy by restoring and enhancing unoccupied Quino habitat onsite and providing additional funding for on-going management. (Note that FWS/SD Zoo efforts to breed and transplant captive Quino larvae have borne fruit with the recent, second year of successful emergence of adults.) We believe the foregoing meets your requirements to support the modified Alternative H through the Section 7 process, and request your leadership and oversight.

It would be good to discuss on the phone. I am loath to disrupt your hard-earned vacation, so you tell me what works, time-wise. Thanks so much again, JimW

James E. Whalen

President

J. Whalen Associates, Inc.

1660 Hotel Circle North, Suite 725

San Diego, CA 92108

Phone: 619-683-5544

Email: james@jwhalen.net

From: Paul Souza <paul_souza@fws.gov>
Sent: Thursday, March 29, 2018 1:50 PM
To: James Whalen <james@jwhalen.net>

Subject: Checking In

Jim,

Thanks for the conversation last week. I thought you were going to send me a follow up note with the issues you'd like to cover next week. Just want to be sure we're prepared and can schedule it.

Many thanks and talk with you soon . . .

Paul Souza
Regional Director
Pacific Southwest
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825
916-414-6469
916-208-2457 Cell
https://www.fws.gov/cno

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Jody Holzworth

Deputy Regional Director

U.S. Fish & Wildlife Service

Sacramento, CA

(916) 414-6619

Mendel Stewart U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office Field Supervisor 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008 760-431-9440 x211 office 760-533-5976 mobile mendel_stewart@fws.gov http://www.fws.gov/carlsbad/

Region 8 Facebook page: https://www.facebook.com/usfwspacificsouthwest

Region 8 Twitter page: https://twitter.com/USFWSPacSWest

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Doreen Stadtlander Division Chief Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008 (760) 431-9440, ext. 223 From: Wynn, Susan

To: <u>Williams, Carol@Wildlife; Sevrens, Gail@Wildlife; David Mayer</u>

Cc: <u>Doreen Statdlander</u>; <u>Karen Goebel</u>

Subject: Newland Sierra

Date: Wednesday, August 2, 2017 9:58:30 AM

Attachments: 15B0150-17CPA0166 Newland Sierra DEIR comments.docx

Hi Carol et al - Thanks for taking the lead on this letter - Carol did an amazing job. Unfortunately, we are not going to be able to go joint with you on it- I had started to make a few edits - you can use or delete as you see fit, I also removed any reference to us. If you have any questions, please give Karen a call. Susan

Susan Wynn Fish and Wildlife Biologist 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008 (760) 431-9440 ext 216



U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760 431 9440 FAX 760 431 9624



California Department of Fish and Wildlife South Coast Region 3883 Ruffin Road San Diego, California 92123 858 467 4201 FAX 858 467 4299

In Reply Refer To: FWS/CDFW 15B0150 17CPA0166

Ms. Ashley Smith County of San Diego Department of Planning and Development Services 5510 Overland Avenue, Suite 310 San Diego, California 92123

Subject: Comments on the Draft Environmental Impact Report, General Plan Amendment, Specific Plan, Rezone, Tentative Map, and Draft Habitat Loss Permit for the proposed Newland Sierra Project, County of San Diego, California (Log No. PDS2015-ER-15-08-001; SCH No. 2015021036. Project Numbers: PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-REZ-15-001, PDS2015-TM-5597)

Dear Ms. Smith:

The Department of Fish and Wildlife (Department) and the U.S. Fish and Wildlife Service (Service), collectively referred to as the Wildlife Agencies, havehas reviewed the Draft Environmental Impact Report (DEIR), General Plan Amendment, Specific Plan, Rezone, Tentative Map, and Draft Habitat Loss Permit (HLP) for the proposed Newland Sierra Project (Project) received on June 15, 2017. The comments provided in this letter are based on information in the documents provided; associated reference materials including Dudek's December 11, 2013 Memorandum; Megan Jennings' April 2017 Merriam Mountains Wildlife Connectivity Review; multiple meetings and discussions with San Diego County (County) staff and representatives of the Project applicant; our knowledge of sensitive and declining plant and animal species and vegetation communities in the County; and our participation in regional conservation planning, including working with the County, various consultants, and stakeholders involved with the County's draft North County Multiple Species Conservation Program (NC-MSCP) planning effort.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.), including habitat conservation plans (HCP) developed under section 10(a)(l) of the Act. The Department is a Trustee Agency and a responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal

species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code, and administers the Natural Community Conservation Planning (NCCP) program. The County has signed a Planning Agreement with the Department and the Service for the development of the draft NC-MSCP, and this NCCP/Habitat Conservation Plan (HCP) is currently in development for unincorporated lands in north San Diego County.

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 2,135 dwelling units, 81,000 square feet of general commercial uses, a six-acre school site, approximately 36 acres of parks, and 1,202 acres of biological open space. Overall, the master-planned community would consist of seven planning areas focused around a town center located off of Deer Springs Road in the southeastern corner of the site and include an extensive trail system including: 6.9 miles of multi-use pathways along the main road; 8.9 miles of internal pathways and trails within neighborhoods; 2 miles of multi-purpose trails through the open space area; and, 1.5 miles of secondary trails through the open space area. 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.

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, moderate to steeply sloping terrain, and 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 a core habitat area within the Pre-Approved Mitigation Area (PAMA) of the draft NC-MSCP, specifically the Gopher Canyon—Twin Oaks Planning Unit. Merriam Mountains represents one of only two three remaining large blocks of natural habitat in the PAMA west of Interstate 15. Vegetation on the Project site consists predominately of southern mixed chaparral, with interspersed patches of Diegan coastal sage scrub, 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 maps of the draft NC-MSCP indicate that habitats on and adjacent to the Project site are "moderate", "high", and "very high" habitat quality. Areas to the north, south, east, and west of the site are also identified as PAMA in the draft NC-MSCP.

Commented [WS1]: IF we are restricted to referencing the 2009 plan, then it is in the San Marcos-Merriam Mountains Core and this project is shown as a hardline – going back to this draft does not make sense to me at this point in the process – so keeping it generic

Commented [WS2]: See Megan Jennings write up

The proposed Project would permanently impact 776.6 acres on-site, including 54.5 acres of coastal scrub, 666.9 acres of chaparral, 6.5 acres of coast live oak woodland, 15.3 acres of riparian habitat, and 15.3 acres of non-native grassland. Permanent impacts off-site would range from 70.5-73.2 total acres and include impacts to coastal scrub, chaparral, oak woodland, riparian habitats, and non-native grassland. The applicant proposes to mitigate these impacts through the designation of 1,209.1 acres of on-site biological open space and the purchase of an additional 211.8 acres off-site. On-site impacts would also permanently impact the federally threatened coastal California gnatcatcher (*Polioptila californica californica*, gnatcatcher). The applicant proposes to mitigate impacts to coastal scrub and gnatcatcher through the County's HLP process. In addition to permanent impacts, the Project will temporarily impact 8.7-9.2 total acres on-site and 1.29 total acres off-site. The applicant proposes to restore the temporarily impacted areas within designated open space via the development and implementation of a Revegetation Plan.

We offer the following comments and recommendations to assist in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with the HLP process, Federal and State endangered species laws/regulations, and ongoing regional habitat conservation planning efforts:

1. The DEIR analyzes eleven alternatives to the proposed Project, including an Existing General Plan Alternative. Under this alternative, the Project site would be developed under existing General Plan land use designations of Village, Semi-Rural, and Rural Lands. According to the Land Use Element of the County's General Plan, approximately 19.6 acres of the existing property are designated Semi-Rural 10 (SR10), which allows one dwelling unit per 10 gross acres on land with slopes of less than 25 percent, and one dwelling unit per 20 gross acres on land with slopes greater than 25 percent. Approximately 1,907 acres of the existing property is designated Rural Lands 20 (RL20), which allows one dwelling unit per 20 gross acres. Approximately 4.64 acres are designated General Commercial (C-1), which allows a maximum intensity of 0.70 floor area ratio in areas designated as Village. Approximately 53.64 acres are designated Office Professional (C-2), which allows a maximum intensity of 0.80 floor area ratio in areas designated as Village.

The DEIR concludes that this alternative would allow approximately 99 single-family residential dwelling units and 2,008,116 square feet of office professional and commercial space with associated roadways, leach fields for septic systems, and Fuel Modification Zones (FMZs), and would decrease open space by approximately 273 acres in comparison to the proposed Project. According to our understanding of the County's Conservation Subdivision Ordinance, which requires 75% avoidance of resources on lands zoned SR 10, and 80% avoidance on lands zoned RL 20, this conclusion is incorrect. It is our understanding that the zoning allowances are only applied to the acreage that remains after the avoidance criteria have been met. This would result in the development of approximately 20 homes on lands zoned SR10 and RL20, and the avoidance and protection of approximately 1,539 acres of open space on those lands, a

330-acre increase from the proposed Project. The Conservation Subdivision Ordinance also contains specific requirements that relate to the design of the open space on site. According to the County's "Rural Subdivision Design and Processing Guidelines", Projects subject to the Conservation Subdivision Ordinance are required to:

- A. Conserve the largest blocks possible of fragmented and interconnected open space;
- B. Avoid creating slivers of open space or fingers of open space that extend in and around development and provide the lowest amount of interface between open space and development referred to as maximizing the surface area to perimeter ratio;
- Create the maximum amount of connectivity between on and off-site resource areas;
- D. Maintain patterns of diversity within the landscape such as multiple habitat types, varying topography, agriculture, etc; and,
- E. Preserve particularly unique and/or sensitive resources in the core of open space areas or such that they are sufficiently buffered to achieve the same practical effect.

These requirements are consistent with the preserve design principles outlined in the Planning Agreement, the NCCP Conservation Guidelines, and the NCCP Act of 2003.

The avoided lands shall be protected with an easement dedicated to the County or a conservancy approved by the Director of County PDS. Under the application of the Conservation Subdivision Ordinance as described above, the Existing General Plan Alternative would maximize on-site open space and lead to the most biologically sound preserve design alternative. If our understanding is correct, although we have not yet seen the resulting project footprint, it is very possible that we would recommend the adoption of this alternative.

2. The DEIR also analyzes three alternatives recommended by the <u>Department and the U.S. Fish and Wildlife Service (Wildlife Agencies) in our response lettersresponse</u> to the Notice of Preparation (NOP) for the DEIR. <u>These alternatives would minimize project impacts to the draft PAMA</u>, provide for a large, contiguous block of open space in the eastern and northern portion of the property thereby contributing to assemblage of the San Marcos-Merriam Mountains Core Area, and maintain connectivity between on and offsite areas designated as draft PAMA and to other conservation efforts outside the NCMSCP planning area. Retaining a core block of habitat onsite as well as connectivity for wildlife throughout the Project site is a primary concern of ours. <u>There are very few areas remaining in the NC-MSCP that support blocks of native vegetation that are greater then 500 acres. In addition, aAs discussed in Megan Jennings' Merriam Mountains Wildlife Connectivity Review, the proposed Project site's location within the Merriam Mountains serves as a critical stepping-stone between north-south <u>coastal sage scrub habitat-patches along the I-15</u>. The proposed Project location is also important for east-west movement between the Merriam Mountains and the San Marcos Mountains. Given the importance</u>

of the Project's location for wildlife <u>habitat and</u> connectivity, the Wildlife Agencies <u>continue to recommended recommend selection of a three-scaled-back alternatives that would minimize Project impacts to the PAMA in the draft NC-MSCP <u>and preserve a large core block of habitat.</u>; provide for a large, continuous block of open space in the eastern and northern portion of the Site; and maintain connectivity between on- and off-site areas designated as draft PAMA and other conservation efforts outside the NC-MSCP planning area.</u>

Under CDFW/USFWS Land Use Planning Alternative A – one of the three Wildlife Agency recommended alternatives - the Town Center, Terraces, and Hillside planning areas, along with associated access roadways, parks, and other improvements, would be removed and replaced with open space. The remainder of the planning areas (Valley, Mesa, Knoll, and Summit) would remain as proposed under the Project. The DEIR concludes that this alternative is the Environmentally Superior Alternative, with the exception of the No Project (No Build) Alternative. In the event that the Existing General Plan Alternative is not adopted, given the wildlife https://doi.org/10.1007/journal.com/html/paper/ and connectivity benefits discussed above, we would also support the adoption of this alternative.

3. The proposed Project is requesting an amendment to the County's Resource Protection Ordinance (RPO) to allow impacts to RPO wetlands and wetland-buffers. The RPO defines wetlands as lands that have one or more of the following attributes: (1) lands that periodically support a predominance of hydrophytes (plants whose habitat is water or very wet places); (2) lands in which the substratum is predominantly undrained hydric soil; or (3) lands where an ephemeral or perennial stream is present and whose substratum is predominately non-soil, and where such lands contribute substantially to the biological functions or values of wetlands in the drainage system. As detailed in Table 3 of the draft Resource Protection Plan, the Project would impact 2.13 acres of RPO wetland and 8.7 acres of wetland-buffer on-site, as well as 1.49 acres of RPO wetland and 1.10 acres of wetland-buffer off-site. The Project proposes to partially mitigate these impacts through avoidance of other RPO wetlands on-site; however, these on-site areas would not be suitable to serve as mitigation credit as avoidance is already required per the RPO. As such, additional off-site mitigation would be required in order to fully mitigate impacts to RPO wetlands and wetland-buffers.

The Project's proposal to amend the RPO creates a concern regarding the ability to meet the conservation goals and objectives established in the NC-MSCP. The RPO is one of several enforcement tools the County has advocated to ensure the build out of the NC-MSCP Preserve and the conservation of the NC-MSCP Covered Species. Currently, there is no exemption built into the RPO that allows impacts to RPO wetlands without commensurate mitigation. Allowing exemptions to the RPO on a project-by-project basis severely compromises the effectiveness of this enforcement tool. We request the Project be revised to avoid impacts, except those caused by uses permitted under Sec. 86.604 of the RPO, to all RPO wetlands and wetland-buffer both on and off-site to provide

consistency with the existing RPO.

- 4. The Project is also requesting an exemption to the RPO to allow development on Steep Slope Lands. Section 86.602(p) of the RPO, defines "Steep Slope Lands" as, "all lands having a slope with natural gradient of 25% or greater and a minimum rise of 50 feet, unless said land has been substantially disturbed by previous grading". The development footprint of the proposed Project includes 148 acres of Steep Slope Lands. RPO Section 86.604.e.1.cc allows encroachment into Steep Slope Lands "to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists". As discussed above, the enforceability of the RPO is critical to the success of the NC-MSCP. The DEIR analyzes several less environmentally damaging alternatives to the proposed Project. Therefore, we recommend that the Project be modified to remove Steep Slope Lands from the development footprint in order to provide consistency with the RPO.
- 5. The draft NC-MSCP has identified a target level of conservation for lands within the PAMA at 75 percent; however, the project, as proposed, would achieve about 39 percent conservation of the property. We acknowledge that the 75 percent conservation target is an average across the PAMA, where some areas will be conserved at higher levels and others at lower levels. Because anything less than 75 percent conservation on projects occurring in PAMA will require additional cost to the County to make up for that shortfall, we especially advocate for that level of conservation prior to the completion of the NC-MSCP permit. This level of conservation is therefore our starting point as we review each proposed project that is located within the PAMA boundaries. We also consider other factors including the importance of the project area to identified biological core and linkage areas within the preserve, as well as the presence of critical biological resources. As discussed in the Wildlife Agencies NOP response letters for the proposed Project, the balance of any portion of the 75 percent conservation that cannot be achieved on-site should be met by contributing land that adds value to the Merriam Mountains connection, preferably in the same NC-MSCP planning unit.

In order to fulfill the proposed Project's mitigation requirements and provide the remaining balance of 75 percent conservation, the Project applicant has purchased a 211.8-acre property located within PAMA of the draft NC-MSCP, specifically within the far eastern section of the Ramona Planning Unit. We recognize the value of this property as it provides a block of continuous habitat situated between near segments of the Cleveland National Forest and San Diego County Parks land, supports high value habitat and sensitive species such as Engelmann Oak, and aides in the build out of the NC-MSCP Preserve. However, this property does not provide comparable habitat to that which would be impacted by the proposed Project, and, importantly, does not off-set the loss/reduction of connectivity created by the Newland Sierra project or further the conservation efforts in the Merriam Mountains vicinity pursuant to NC-MSCP goals.

Commented [WS3]: Near? This kind of implies that it actually connects these lands, however it is actually is not contiguous with either

Furthermore, the elevation of the coastal sage scrub on the proposed mitigation property is too high to support gnatcatchers, thus its preservation cannot be considered compensatory for impacts to gnatcatcher occupied and potentially occupied habitat on-site or to impacts to the coastal sage scrub along the I-15 corridor.

- 6. The DEIR does not adequately address potential impacts to wildlife from roads and traffic both within the project and offsite from the widening of Deer Springs Road and the potential changes to the Deer Springs interchange at Interstate 15. Wildlife crossing structures as well as associated fencing to reduce mortality effects of the roadways should be included as mitigation measures in the project to ensure that the site is permeable to wildlife and to minimize impacts from the roads and traffic.
- 6.7. The Project applicant has committed to conserving the biological resources within the on and off-site open space in perpetuity by recording a Biological Open Space Easement (M-BIO-8B). Open space easements generally prohibit a number of potentially harmful impacts, such as grading, clearing vegetation, and building structures, from occurring within the open space. However, the proposed easement, as described in M-BIO-8B of the DEIR, includes an exception for selective clearing of vegetation by hand to the extend required by written order of the fire authorities, pursuant to the February 26, 1997 Memorandum of Understanding (MOU) between us and the fire districts. This MOU only addresses clearing to reduce fire hazards for structures that existed at the time the MOU was signed; it was not intended to extend to future development and therefore is not applicable to the proposed Project. New developments should be conditioned to include all FMZ's within the development footprint. Any future fuel modifications that occur within designated open space would be considered impacts and would require additional compensatory mitigation. We recommend the removal of this exception from the proposed open space easement and the reconfiguration of the open space, if necessary, to reduce the potential need for such clearing to occur. Alternatively, if the applicant does not wish to modify the easement language, the Resource Management Plans (RMPs) for the designated open space should include assurances that compensatory mitigation will be provided for any future impacts that occur because of this exception.
- 8. The text of the DEIR references several versions of the draft NC-MSCP, including the 2009, 2014, and 2016 versions; however, only the 2009 version is included in the Chapter 5 List of References. We recognize that significant aspects of the draft NC-MSCP, including biological goals and objectives and covered species lists, have changed numerous times throughout the plan's development, thus complicating the evaluation of the proposed Project's impact on the plan. Nonetheless, the DEIR should include citations for all documents referenced in the document. The Environmental findings, that are included in the draft Habitat Loss Permit, state that they are based "upon all of the documents contained in the record for this project" not just the 2009 draft

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Commented [WC4]: I was hoping you could expand on this one. We weren't sure what direction to go in...it wouldn't be productive for them to review the Project only based on the 2009 Plan (last public draft), but I'm not sure we can direct them to the 2017 Plan (and updated species list) since it's not *officially* public

- 7. The findings include a discussion of the project's consistency with the *Interim Project Preserve Design Principles*. The first couple of principles state that the on-site open space should provide a long-term biological benefit and that no isolated pockets of open space should be used for mitigation credit. As described above under comments 1 and 2, preservation of a core block of habitat in this unit of the PAMA is critical to the success of the NC-MSCP. We remained concerned about the long-term viability of the proposed openspace in the southern and eastern blocks of biological open space due to indirect effects from the adjacent development, fuel modification, and access roads. Although the County has proposed this project as a "hardline area" in the draft North County Plan, the conservation analysis has not been completed, nor has the Department agreed to the proposed footprint. Therefore the conclusion that "By identifying the proposed on-site biological open space as a proposed hardline area, the County has determined that the proposed biological open space would provide long-term biological benefit" is not valid.
- 8-9. The draft NC-MSCP proposes to cover two bat spaces, the pallid bat (*Antrozous pallidus*) and Townsend's big-eared bat (*Corynorhinus townsendii pallescens*). According to the Biological Resources Technical Report (BTR), focused surveys to locate roosting bats were not performed due to the presumed low potential for bats to forage or roost within trees within the Project site. To ensure that potential impacts to these proposed covered species have been thoroughly evaluated, we recommend that focused daytime surveys for potential roosting spots, including trees and rock outcroppings, as well as nighttime surveys for foraging behavior, be performed.
- 9-10. According to the BTR, western spadefoot toad (*Spea hammondii*, spadefoot) has been detected on-site on two occasions, both within the old quarry and outside of the development footprint. There are no expected impacts within the quarry area; however, the BTR recognizes there is a high potential for spadefoot to occur across the site, and therefore the species has been considered significantly and permanently impacted by the proposed Project. Spadefoot is currently listed as a California Species of Special Concern. In the event that additional spadefoot breeding pools are found within 500 ft. of the development footprint, the Project applicant should consult with us to discuss possible relocation, forced dispersal, or alternative avoidance measures.
- 11. The proposed biological mitigation measures require the development of several associated documents, including RMPs, a Relocation Plan for Ramona horkelia (*Horkelia truncata*), a Revegetation Plan for the restoration of temporarily impacted areas, and a Nesting Bird Management, Monitoring, and Reporting Plan. Opportunities for the us to review and comment on these documents prior to their approval is currently limited to the Nesting Bird Management, Monitoring, and Reporting Plan. We request the opportunity to review and provide comments on all above-mentioned documents, as well as the

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proposed final language for both the biological open space easements and limited-building-zone easements, prior to their approval by County officials.

41-12. M-BIO-1 describes the biological monitoring that will occur on-site prior to and during construction activities to ensure adherence to all proposed avoidance, minimization, and mitigation measures. M-BIO-3 states that a final Monitoring Report documenting the monitoring actions will be submitted to the County upon completion of grading activities for each Final Map and prior to rough grading plan final inspection. Given the scale of the proposed Project, we request that the Project Biologist, in addition to preparing the proposed comprehensive final report, circulate monthly updates to us.

We appreciate the opportunity to provide comments on the subject project and look forward to further coordination with the County on this project. If you have questions regarding this letter, please contact Carol Williams of the Department at Carol.Williams@wildlife.ca.gov, (858) 637-5511, or Susan Wynn of the Service at Susan Wynn@fws.gov, (760) 431-9440 ext. 216.

Sincerely,

Karen A. Goebel Assistant Field Supervisor U.S. Fish and Wildlife Service Gail K. Sevrens Environmental Program Manager California Department of Fish and Game

cc: State Clearinghouse From: Stewart, Mendel <mendel_stewart@fws.gov> Sent:

Wednesday, December 2, 2015 5:39 PM

To: Rita Brandin

Cc: Karen Goebel: Ed Pert: Mark Wardlaw

Subject: Re: FW: Our Discussion on Friday afternoon, November 20th - Correction on Prior E-

Mail

Hi Rita.

Thank-you for trying to capture our conversation. I would like to clarify the following points:

We have no objection to the project applicant's purchase of offsite mitigation lands in support of adding to the overall conservation of the Draft North County MSCP preserve lands; however, from the list of properties provided for our review and support for a potential hard-line agreement, some properties are considered of greater biological value than others. Specifically, we will support acquisition of the Morris Ranch property because the proposed development on the site will sever a key linkage in the Draft North County MSCP, thus conservation of the site has been a priority for conservation for some time. The project applicant's contribution to the acquisition of this critical property would help us make a stronger biological case that the offsite mitigation proposed offsets the loss and fragmentation of the project's onsite PAMA lands. Likewise, we will support the Mountain Gate acquisition because of its size and location within the PAMA and because its purchase will ensure conservation of a large core area of the Draft North County MSCP preserve.

During our conversation, my intent was not to dismiss the value of the Hooshpack or Pankey properties' contribution to the Draft North County MSCP preserve system, but only to do what you asked in identifying Service priorities for conservation that would lead to a hard-line agreement. Because the proposed Newland Sierra development will result in a loss of wildlife habitat originally identified to be part of the Draft North County MSCP preserve, acquisition of PAMA lands planned for development helps ensure that there is no net loss of PAMA acreage and that the anticipated size and configuration of the planned preserve can be achieved. Acquisition of one of these properties which both include development would offset the overall loss of existing PAMA acreage that will result from the Newland Sierra development. Conservation of the Hoospack or Pankey properties, while not insignificant, will not assist in maintaining the scope of the PAMA lands needed to assemble the preserve anticipated by the Draft North County MSCP.

I hope this helps clarify our conservation priorities and to dispel any concerns you may have regarding our agency's role in balancing the needs of residential and commercial development with our mission to conserve the nation's important fish and wildlife resources. We believe the section 10 permitting program and regional planning through the MSCP highlight the Service's sincere efforts to work in partnership to achieve this goal.

Marine Corps Base Camp Pendleton is the potential partner for the Morris Ranch property. We let them know that someone might be interested in partnering on this acquisition. Below is the person to contact.

Ken Quigley Strategic/Regional Environmental Planner Strategic Planning Section, Building 22165 MCIWEST MCB Camp Pendleton Box 555008 Marine Corps Base

Camp Pendleton, CA 92055-5008 (760) 725-9733 DSN: 365-9733 FAX -9722 Please let me know if you have any questions. <Mendel On Wed, Dec 2, 2015 at 10:05 AM, Rita Brandin <r brandin@newlandco.com> wrote: Good morning Mendel: After re-reading the e-mail I sent to you on 11/25, I realized that I put the incorrect date down for our last meeting. Please see those corrections below in red. Please let me know if you have any further additions or corrections. Also, if you have reached the Morris Ranch contact that was discussed in our meeting. Thank you. Rita Brandin From: Rita Brandin Sent: Wednesday, November 25, 2015 11:58 AM To: 'mendel stewart@fws.gov' Subject: Our Discussion on Friday afternoon, November 20th

Importance: High

Good morning Mendel:

I appreciate that you called me directly on Friday afternoon to discuss the U.S. Fish and Wildlife agency's stance on offsite acquisition options as a follow up to our Thursday, November 19th meeting at the County. As I have reviewed the discussion with others, I've concluded that it might be important to memorialize our conversation so Newland and our team have clarity moving forward. If I missed any key points or misunderstood any of your comments from the discussion, please feel free to provide those additions or corrections to my summary e-mail. I will attempt to capture the key points as I understood them.

As you know, we had previously proposed a list of off-site parcels at our meeting on November 5th, and we discussed the same list at our meeting on November 19th. We asked that you relook at the biological value of those parcels for acceptable offsite acquisition by Newland in lieu of being limited to only the Morris Ranch and Mtn. Gate parcels as communicated in Karen Goebel's e-mail to me on November 18th. You mentioned you would meet further with your staff to discuss the list.

During our call, you mentioned that as a follow up to our 11/19 discussion, you and your staff had further reviewed the list of parcels, and relooked at two parcels in particular that we had discussed at length – the two we refer to as Hooshpack and Pankey. You said that although the California Dept. of Fish and Wildlife wanted to take another look at the biological value of these parcels, that the U.S. Fish and Wildlife Service did not see them as acceptable acquisitions. When I asked why they were not acceptable given our preliminary assessment of their biological value and their core PAMA location, you said they were not "threatened" like the Morris Ranch and Mtn. Gate properties, and these two parcels were of high priority for the agencies. When I asked what you meant by threatened, you said that Hooshpack and Pankey are not priority and that you are not worried about them like Morris Ranch or Mt. Gate because neither parcel has significant development potential under the County's General Plan and slopes and terrain didn't make them as viable for development projects. In summary, you said; "[w]e've talked and unless Newland is willing to acquire one of the two options we provided then there will be no hardline".

I expressed my concern that it appeared the agency's focus on these two tentative map projects as the only acceptable offsite acquisition land for Newland appeared to be having one developer buy another developer's approved project to keep them from being developed. You responded your agency is trying to protect threatened habitat and there are lots of ways to do that.

To close our discussion, I reiterated your comment regarding the limitation of Morris Ranch or Mtn. Gate as the only acceptable options, and wanted to be clear whether there was any opening, in your mind, for further discussions on the other parcels. You indicated that there was not.

I indicated I was still willing to explore a potential joint deal on Morris Ranch with the party that Karen Goebel had mentioned in our November 19th meeting. You indicated that the agency had not been able to get in touch with him as of our call but when you did you would ask him to call me.

Please let me know if I properly captured the key points of our conversation as I want to make sure we are still on the same page moving forward.

Best regards,

Rita Brandin

Newland Sierra, LLC

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...

Mendel Stewart
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Field Supervisor
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
760-431-9440
mendel stewart@fws.gov
http://www.fws.gov/carlsbad/

Region 8 Facebook page: https://www.facebook.com/usfwspacificsouthwest

Region 8 Twitter page: https://twitter.com/USFWSPacSWest

LATHAM&WATKINS LLP

May 17, 2017

VIA EMAIL AND FEDERAL EXPRESS

The Honorable Dianne Jacob, Chair Board of Supervisors San Diego County 1600 Pacific Highway Room 335 San Diego CA 92101 12670 High Bluff Drive San Diego, California 92130

Tel: +1.858.523.5400 Fax: +1.858.523.5450

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Re: <u>Investigation Needed into Newland's Misleading Backroom Dealing For</u> Its "Sierra" Project And Potential Implications For County Staff

Chairwoman Jacob and Members of the Board of Supervisors:

We represent the Golden Door Properties LLC (the "Golden Door"). Adjacent to the Golden Door's property, the Newland Real Estate Group, LLC ("Newland") has proposed a revised Merriam Mountains project, known as the "Sierra" project (the "Newland Project" or "Project"). Newland's proposal includes 2,135 residential units, 81,000 square feet of commercial development, a school, and various parks and equestrian facilities resulting in a population of over 6,000 residents, larger than the City of Del Mar.

We write today to request that the Board ensure that County staff does not advocate for the approval of the Newland Project with other public agencies, prior to the Board's own consideration of this previously rejected project.

Newland proposes to build its Project near Deer Springs Road in rural Twin Oaks Valley ("Project Site"), which is a crucial connection point for east-west and north-south connectivity for wildlife in the North County Multiple Species Conservation Program ("NC MSCP" or "Plan"). The Golden Door opposes the Newland Project and has corresponded extensively with staff members at the County's Department of Planning and Development Services ("County Planning Staff") regarding our concerns.

A few weeks ago, we were given documents from the U.S. Fish and Wildlife Service describing efforts by Newland and its allies to surreptitiously evade biological mitigation for the proposed Project and to undermine the NC MSCP. These documents only provide a limited view into Newland's actions, but they raise significant concerns about Newland's non-public negotiations with the U.S. Fish and Wildlife Service ("USFWS"), false claims Newland and its allies have made as part of such negotiations, and Newland's attempts to circumvent the proper channels at USFWS. The documents are attached as Exhibits A through E to this letter.

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Newland may have involved in County Planning Staff in its actions, placing staff in a position where they appear to be the developers' advocates rather than neutral land use specialists processing projects for the public's benefit. If that is what has occurred, we do not believe it is appropriate for Newland to force County Planning Staff to advocate for proposed projects, especially where the Newland Project has been previously rejected by the Board, and conflicts with the County's General Plan and Subregional Plan adopted for this site in 2011.

We have only a limited view of these actions through the available documents. Therefore, we request that you ask staff to investigate these matters and determine whether Newland has recruited staff to advocate for its Project with other agencies prior to the Board's own consideration of the Project. It is possible that further investigation will vindicate the parties involved; however, based on the documents we have been able to review—attached to this letter—there is enough information to warrant further fact-finding on this matter.

The proposed Newland Project Site has high value biological characteristics and is an important part of the draft NC MSCP. We want to ensure that the public, including environmental groups and local communities, are part of any process to evaluate and mitigate for the biological impacts Newland's proposed development would cause on the Project Site.

I. FACTUAL BACKGROUND

A. Recently Obtained Documents Raise Concerns Regarding Newland's Efforts to Evade Biological Mitigation Outside of Public View

Our concerns regarding Newland's behind the scenes actions with regard to biological mitigation began when we obtained a copy of a "matrix" apparently prepared by a representative of the San Diego Building Industry Association ("BIA"). See Exhibit A. Newland's project manager and Vice-President, Rita Brandin, is also Vice-Chair of the BIA. We understand the BIA Matrix was provided to officials in the USFWS office in Washington, D.C., in an attempt to mislead the agency regarding USFWS's local Carlsbad office's negotiations with Newland regarding mitigation for the Project's biological impacts.

The BIA Matrix also appears intended to intimidate USFWS into refraining from commenting on development project in the California Environmental Quality Act ("CEQA") process—effectively implementing a gag order. It appears that when Newland was unable to convince USFWS's local Carlsbad office to eliminate important biological mitigation requirements for the Project, Newland, or San Diego BIA lobbyists acting on its behalf, attempted to go up the chain at USFWS in an effort to find a decision-maker less familiar with the facts on the ground who might be swayed by Newland's false statements.

Several attachments to the BIA Matrix are also attached here: a memo from Newland's Rita Brandin to the USFWS Regional Director in Sacramento (**Exhibit B**), a compilation of emails between Newland, the County, and USFWS and the California Department of Fish and

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Wildlife ("CDFW") (together with USFWS, the "Wildlife Agencies") (**Exhibit C**¹), and letters from the Wildlife Agencies to the County regarding the Newland Project's Notice of Preparation ("NOP") (**Exhibit D** [USFWS], **Exhibit E** [CDFW]).

Our concerns about Newland's efforts to evade biological mitigation appeared to be confirmed by materials provided *by County Planning Staff* at recent stakeholder meetings for the NC MSCP that show the Newland Project Site carved out of the NC MSCP as a "private project." *See* Exhibit F.²

These maps (as proposed by County Planning Staff, apparently at Newland's behest) show the Newland Project to be the *only unapproved project* and *the only project which conflicts with the County General Plan* to be carved out of the proposed NC MSCP and subject to different rules than the rest of the North County area.

B. NC MSCP Preparation and Purpose

Preparation of the NC MSCP has been ongoing for nearly 20 years now. The NC MSCP's purposes include providing a regional, inter-connected preserve system and avoiding the need for project-by-project negotiations with multiple permitting processes. As such, it is critical that the NC MSCP be biology-driven and not provide special treatment for any particular developer. As part of the planning process, the County and the Wildlife Agencies have identified land with important biological characteristics, known as Pre-Approved Mitigation Areas ("PAMA").

Protecting PAMA is critical to ensure conservation of contiguous blocks of habitat. We understand that a draft Plan, as proposed by the stakeholders, may be provided to the public later this year, and a Draft EIR for the NC MSCP may be published in 2018, with final approvals projected for 2020 and 2021. In addition to the County, the Wildlife Agencies must approve the NC MSCP before it takes effect.

During preparation of the Plan, projects proposed in the NC MSCP area are subject to an "interim process" outlined in a 2014 Planning Agreement signed by the County, USFWS, and CDFW. This interim process requires that projects be consistent with the NC MSCP's preliminary species and habitat preservation goals and requires that project approvals not compromise the successful implementation of the NC MSCP. As such, consideration of NC MSCP consistency and goals is an integral part of any development project's CEQA review for biological impacts and comments from the Wildlife Agencies—even before the Plan has been completed.

¹ We do not know the source of the highlighting and hand-written notes throughout the email compilation in Exhibit C or the highlighting in the memorandum in Exhibit B.

² Exhibit F is a copy of a slide from a PowerPoint presentation provided by the County showing Newland Project as the only unapproved project being pulled out of the NC MSCP. Exhibit F also contains two draft NC MSCP maps showing the Newland Project Site removed as a "private project."

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C. The Merriam Mountains/Newland Project Site

The proposed Newland Project is located on the same site as the failed Merriam Mountains project—approximately 2,000 acres in rural North County between Deer Springs Road and Gopher Canyon Road along the west side of I-15. The Project Site is located in Planning Unit 9 of the NC MSCP (San Marcos-Merriam Mountains Core Area) and sits on one of only two remaining large blocks of natural habitat west of I-15 in PAMA. A portion of the Project Site is located in Resource Conservation Area 23 of the North County Metro Community Plan. Draft NC MSCP habitat evaluation maps indicate that habitat on and adjacent to the Newland Project Site are moderate, high, and very high quality habitat. *See* Exhibit G.

D. The Board of Supervisors' Decisions to Keep the Project Site Rural: The Failed Merriam Mountains and the General Plan Update

The Merriam Mountains project, considered by the Board in 2010, proposed approximately 2,600 homes on the Project Site, which was zoned for just over 300 homes at that time. In 2005, the Merriam Mountains developer entered into a "Hardline Points of Agreement" with the County, USFWS, and CDFW (then titled California Department of Fish and Game) to allow for that project's biological impacts. *See* Exhibit H. This 2005 "Hardline Points of Agreement" provided that, among other provisions, (1) the County was required to amend its Resource Protection Ordinance ("RPO") to allow for the project design, (2) the project's density would be consistent with the zoning in the General Plan Update, and (3) the developer would purchase an off-site mitigation property known as the "Captains Associates property."

The Board rejected the Merriam Mountains project and refused to amend the prior General Plan to accommodate the development. Then in 2011, the Board approved its General Plan Update that *down-zoned* the Project Site to accommodate only approximately 100 homes and decided that the area should be preserved as rural lands. In both instances the Board has voted on the density for this site in the past decade, the Board has voted to maintain the site's rural nature and protect its biological value.

E. The Proposed Newland Project's Background

Despite the Board's consistent votes to keep Twin Oaks Valley rural, Newland now seeks a General Plan Amendment to add a development that is larger than the City of Del Mar.

The County published its NOP for the Newland Project in February 2015. The Wildlife Agencies provided comments on the Newland Project's NOP, emphasizing the importance of the Project Site within the NC MSCP for connectivity purposes. The Wildlife Agencies' NOP letters raise several specific points regarding the site's biological importance:

- (1) the Project and areas on all sides are identified as PAMA in the NC MSCP;
- (2) the proposed Project sits on one of only two remaining large blocks of natural habitat west of I-15 in PAMA;

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- (3) habitat evaluation maps for the draft NC MSCP indicate habitat on and adjacent to the Project Site are moderate, high, and very high quality habitat;
- (4) north-south habitat connectivity along I-15 is important for the NC MSCP; and
- (5) development on the Project Site could fragment core habitat planned to connect designated preserve areas.

See Exhibits D, E. In addition, the Wildlife Agencies proposed alternatives in which Newland would remove its development along the I-15, which would allow for some continued north-south connectivity on the Project Site.

On May 7, 2015, County Planning Staff issued a Scoping Letter for the Newland Project, which addressed the Project's consistency with the NC MSCP as a "major project issue." The Scoping Letter concedes that no hardline agreement has been approved for the Newland Project, noting that "if the Wildlife Agencies Hardline Agreement is not approved, the project would be required to comply with the North County Plan and its requirements for projects in [PAMA], including avoidance of critical populations of sensitive species and adherence to preserve design and linkage principles. If the North County Plan has not been approved prior to the project moving forward, the project will require compliance with the Habitat Loss Permit (HLP) Ordinance and the County and Wildlife Agencies Planning Agreement." Scoping Letter at 4.

Nearly a year after publishing its NOP, Newland submitted a revised Specific Plan and grading plans. The County published these documents on its website but did not issue a new NOP or provide any notice that the Project had been revised. Now, almost two-and-a-half years after publication of the Project's NOP, no further CEQA documentation has been published, and the public is unaware of any further changes the developer may have made.

II. NEWLAND'S APPARENT EFFORTS TO EVADE REQUIRED BIOLOGICAL MITIGATION

Unfortunately, based on available documents, it appears that Newland has used this time to engage in backroom dealing and attempts to weaken environmental protection requirements without any opportunity for public review or comment.

Based on our review of the available documents, it appears that Newland has pursued aggressive negotiations with the Wildlife Agencies to revive the 2005 "Hardline Points of Agreement" even though the Wildlife Agencies agreed, and the County admits, that the Newland Project is a "new" project with no approved hardline agreement. Newland has argued to the

³ The Scoping Letter is part of the County's files for the Newland Project and available online at http://www.sandiegocounty.gov/content/dam/sdc/pds/regulatory/docs/newlandsierra/NewlandSierra/ScopingLetter.pdf.

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Wildlife Agencies that its Project is the same project as Merriam Mountains and has fought USFWS's mitigation proposals.

Further, the conditions of the 2005 "Hardline Points of Agreement" do not appear to have been fulfilled: (1) the County has not amended its RPO consistent with that agreement, (2) the Project is inconsistent with the 2011 General Plan Update because it proposes more than 20 times the allowed residential density, and (3) there is no evidence Newland has purchased the "Captains Associates property" which was specifically identified in this agreement as essential mitigation.

It appears that Newland's failure to convince the local USFWS office in Carlsbad to rely on an unfulfilled "points of agreement" for the defunct Merriam Mountains project caused Newland's lobbyists to go over the heads of the Carlsbad office to the USFWS Regional Office in Sacramento and to the USFWS office in Washington, D.C. From the material we have reviewed, Newland or lobbyists on Newland's behalf have seemingly fed these offices false information in an attempt to short-circuit the orderly preparation of the NC MSCP and CEQA review of the Newland Project's biological impacts.

In particular, the BIA Matrix and its attachments, which were provided to the USFWS office in D.C., includes multiple false statements about the Newland Project, including:

- (1) that there is an existing hardline agreement for the project (Exhibits B, C);
- (2) that the underlying land use designation on the Project Site is "largely unchanged" from when the Merriam Mountains project was considered and rejected (Exhibit B); and
- (3) that the USFWS Carlsbad office is requiring Newland "suspend" their project. (Exhibit C.⁴)

These assertions are simply false. As described above, there is no valid hardline agreement for the Project. Additionally, the underlying zoning on the Project Site has been cut to one-third of the prior allowance for residential; it is not "largely unchanged." Finally, the USFWS Carlsbad office told Newland they could go through the typical permitting process if they did not want to pursue the proposed off-site mitigation. Exhibit C.⁵ Any "suspension" of

⁴ Accusations that the Carlsbad USFWS offices are trying to "suspend" the Newland Project are included in an email exchange between consultant Steve Thompson and USFWS staff member Mendel Stewart on October 10 and 11, 2016.

⁵ References to the typical permitting process are included in an email exchange between Steve Thompson and Mendel Stewart on October 10 and 11, 2016. Further, the County's May 7, 2015 Scoping Letter for the Project indicates that Newland will need to obtain a Habitat Loss Permit if the NC MSCP is not completed prior to Project approval.

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the Project is due to Newland's refusal to provide adequate on and off-site mitigation, not any action by the local USFWS office.

In fact, the BIA Matrix's false statements about the Newland Project, and about other projects, warranted a letter from the Endangered Habitats League—a long-time stakeholder in the NC MSCP process—titled "Correcting the Record," which addresses the BIA Matrix's numerous falsehoods, attached hereto as **Exhibit I**.

In addition, it is troubling that the BIA matrix criticizes the local USFWS office for providing NOP comments on the Newland Project. *See* Exhibit A. Any attempt to silence an agency responsible for environmental protection from commenting on a development project is contrary the spirit of open public processes. Why would an expert agency not provide input within its realm of expertise? Moreover, why is Newland so concerned about what these wildlife experts working for the public good would say about their proposed Project?

It is also concerning that County Planning Staff is mentioned in and included on several of the email exchanges between Newland and USFWS, raising the question of the degree to which Newland is attempting to improperly involve County Planning Staff as a project-advocate behind closed doors for a project that contradicts the County's General Plan. Such activity would go far beyond merely processing a project, and any attempt by Newland to drag County Planning Staff into its closed door dealings should be investigated and disclosed to the public.

It is important that the Board and the public understand the process by which Newland has sought to minimize its biological mitigation requirements—and the degree to which Newland involved County Planning Staff in such efforts. Project design and mitigation are supposed to be developed through a public process under CEQA. It is unclear what actions Newland has taken, and forced County Planning Staff to take as advocates of the Project, in the almost two and half years since submitting its application, but the limited records we have been able to review indicate a process that is not transparent. Newland's efforts have attempted to minimize biological protection without the public knowing about it.

We hope you are able to provide additional information and an open and fair public process to evaluate this information.

III. NEWLAND'S ATTEMPTS TO OBTAIN SPECIAL TREATMENT IN THE NC MSCP AS A "PRIVATE PROJECT" "CARVE OUT" DESPITE BEING INCONSISTENT WITH THE COUNTY'S GENERAL PLAN

Materials recently provided to NC MSCP stakeholders by County Planning Staff show the Newland Project Site carved out of the NC MSCP as a "private project." *See* Exhibit F. The Newland Project is the *only unapproved project* given such treatment. This "carve out" raises questions as to why this project that contradicts the County's General Plan would receive such special treatment when County Planning Staff has already determined in its May 7, 2015 Scoping Letter that the Project must comply with the NC MSCP.

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The removal of the Project Site from the draft Plan would pre-determine the analysis and mitigation of biological impacts without an opportunity for public participation. The NC MSCP is not likely to be approved for several years, after the projected date for the Board's consideration of the Newland Project. The County and the Wildlife Agencies are required to consider the consistency of any proposed project with the NC MSCP's principles. Prematurely carving the Newland Project of the draft NC MSCP without any public process, therefore, prejudices consideration of the Project's biological impacts. This cart-before-the-horse approach is improper—especially here where the Board has voted to keep this Project Site rural.

Further consideration of the Newland Project's biological impacts without reference to its connectivity and importance for fulfillment the NC MSCP's goals would be incomplete and not provide adequate information to the public or decision-makers. Newland should not be able to avoid the NC MSCP's protections for PAMA and wildlife connections by seeking special treatment without any opportunity for public review and input before the Board takes any action.

The Wildlife and Habitat Conservation Coalition ("WHCC"), a group of environmental groups including many longtime stakeholders in the NC MSCP process, share this concern, as described more fully in a letter the WHCC submitted to the Board last month. *See* Exhibit J. The WHCC letter emphasizes (1) the need to for County Planning Staff to respect the General Plan in developing the NC MSCP and (2) that the Newland Project Site reverted to PAMA after rejection of the Merriam Mountains project. In accordance with WHCC's concerns, Newland should not be able to avoid the NC MSCP's protections for PAMA and wildlife connections by seeking special treatment without any opportunity for public review and input.

Protection of the Newland Project Site as PAMA carries significant biological importance, because it is one of only two remaining large blocks of natural habitat west of I-15 in PAMA.⁶ Carving the Newland Project out of the NC MSCP for a hardline agreement would itself violate the purpose of the NC MSCP. Additionally, carving out the Newland Project Site is particularly contradictory here, because Newland has failed to provide any of the additional biological protection measures that were supposed to accompany the 2005 "Hardline Points of Agreement" for the defunct Merriam Mountains project. Newland has not acquired the specified "Captains Associates" off-site mitigation property, it has not obtained an amendment from the County to the RPO, and its development proposal is not consistent with the County's General Plan. *See* Exhibit H.

Moreover, Newland's efforts to obtain a special carve out from the NC MSCP have occurred out of public view and without the input of local communities, including the County sponsor groups, which exist for the purpose of informing the County's decision-making process for land use matters in their local communities. The Twin Oaks Valley Sponsor Group ("TOVSG")—which is responsible for land use recommendations over most of the Newland Project Site—was left out of the process. In fact, the TOVSG made a special request to the

⁶ See Exhibits D, E. In addition, a report prepared by Megan Jennings, Ph.D., at the request of the Golden Door further demonstrates the biological value of the Newland Project Site and its importance for wildlife connectivity throughout North County. The report is attached as **Exhibit K**.

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County inquiring about the purported NC MSCP carve out for the Newland Project. ⁷ If any biological analysis for the Newland Project is occurring outside of the Project's own approval process, there should be a full CEQA review, including the requisite public input, for the Newland Project's biological impacts as part of the NC MSCP—and the Project's EIR should not be approved until the completion of any such separate process.

The County's General Plan was approved by the Board of Supervisors in 2011 after spending millions of dollars and facilitating a decade-long process with significant public input to determine the blueprint for the County's growth and development. Simply put, Newland's proposed project contradicts that blueprint by dropping a population the size of the City of Del Mar in an area with significant biological value that the Board has twice voted should remain rural. To now carve out a special exemption from the NC MSCP—and to do so without any public review or input—would starkly contradict the letter and spirit of the law, smart planning principles, due process, and efficient use of public resources.

We request that the Board direct County Planning Staff not to pursue any proposed special designation for the Newland Project Site in the NC MSCP prior to the Board's own consideration and any County approval or rejection of Newland's Project, and to publicly disclose Newland's efforts to obtain this backroom benefit.

IV. NEWLAND'S PATTERN OF OBFUSCATION AND HYPOCRISY

Newland filed its application with the County almost two and a half years ago. Since that time, they have apparently given contradictory statements in public and private and have sought to avoid public disclosure as much as possible.

- A year after filing its initial application Newland submitted a new Specific Plan and new grading plans to the County but refused to recirculate the Project's NOP or provide any public notice.
- Newland insists the re-design and reconstruction of the Caltrans interchange at I-15 and Deer Springs Road be evaluated in a separate process after the County considers the Project, even though the interchange re-design is triggered by Project-generated trips.
- When the Golden Door requested its biologist have supervised limited access to the Project Site, Newland refused, offering only a short, guided in-vehicle tour that could not accommodate biological investigation.

US-DOCS\87083588.2

⁷ A letter from the TOVSG to the County requesting clarification of the Newland Project Site's status within the NC MSCP is attached as **Exhibit L**.

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 Newland has also omitted from its grading plans critical impacts that are part of Newland's proposed widening of Deer Springs Road.⁸

In short, Newland has provided little information to the public or opportunities for public input over the nearly two and a half years that the County has been processing this Project.

Further, in attempting to negotiate less protective biological mitigation requirements with USFWS, Newland claimed that its project is the same as the Merriam Mountains project and should be able to rely on the 2005 "Hardline Points of Agreement." Yet, in public, Newland has adamantly denied it is the same project as the failed Merriam Mountains project.

In fact, Newland's Vice President and project manager, Rita Brandin, stated in an August 2014 article, "I believe that Newland's approach to planning is distinctly different than the prior developer." *Merriam Mountain Plans Receiving Mixed Reviews*, THE COAST NEWS, INLAND EDITION, Aug. 1, 2014. Yet, in a memorandum from Ms. Brandin to USFWS staff at the regional office in Sacramento, Ms. Brandin complains that Newland "is at an impasse with Service staff" due, in part, to the fact that "[USFWS] staff dismissed the relevancy of the prior Points of Agreement, maintaining that Newland was required to begin the permitting process as a *new project*." Exhibit B at 1-2 (emphasis added).

Now that Newland is telling state and federal wildlife agencies that it is not proposing a "new" project and is instead simply renewing the same project as previously rejected by the Board, why is the County even wasting public resources to process it?

Newland's renewed Merriam Mountains application has the same flaws which caused the Board to reject it in 2010. In explaining his vote against the Merriam Mountains project, Supervisor Roberts noted that the project suffered from too much 20th century planning: "Housing development will become much more urban, providing amenities the communities want and ask for, and transit connections that do more than just a token job of offering people transportation alternatives besides the automobile." Like the failed Merriam Mountains project, the Newland Project is located on the same Project Site far from urban and employment centers, which will require long automobile trips. Even as more transit options have developed Countywide since the Board considered the Merriam Mountains project, including the Bus Rapid Transit program ending in Escondido on I-15, Newland's renewed proposal includes no

⁸ Reports from Delane Engineering demonstrate these issues, have been submitted to the County by the Golden Door, and are on file with County Planning Staff. In addition, Delane presented this work to County Planning and Public Works Staff.

⁹ Supervisor Roberts' press release explaining his vote against the Merriam Mountains project is available on his website at

http://www.ronroberts.com/content/d4/en/media/media/mediacenter/mmountain.html. "My own personal feeling is that the communities of the 21st century are going to be very, very different . . . they are going to have, as an integral part, public transit. They are going to be lower in their impacts in every way shape or form." Alison St. John, *Roberts Votes to Scuttle Merriam Mountain Project*, KPBS.ORG (Mar. 24, 2010).

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provision for transit connections. Further, the Project itself is designed with a small commercial center in the extreme southeast corner, but most of the residential units are located far away across steep grades through curving internal loop roads sprinkled with cul-de-sacs.

The Newland Project poses the same 20th century planning problems as the previous Merriam Mountains project, yet Newland (apparently working with County Planning Staff) conveniently emphasizes its differences in public while disingenuously attempting to rely on the prior project's "agreements" to lobby for special benefits behind closed doors with federal and state wildlife agencies.

V. NEWLAND'S POTENTIAL INVOLVEMENT OF COUNTY PLANNING STAFF

It is unclear from the documents obtained to what degree Newland involved County Planning Staff in its attempts to avoid biological mitigation requirements. It is apparent, however, that Newland included County Planning Staff in some of its email correspondence and meetings with USFWS. *See* Exhibit C.¹⁰ It is also unclear what involvement, if any, County Planning Staff had in preparation or presentation of the false and misleading BIA Matrix. None of these documents were provided to us in our prior public record act requests to County staff about Newland's project.

We hope you will investigate these matters and provide the public additional information as to County Planning Staff's role, if any, in Newland's actions in lobbying these other agencies. County Planning Staff should also be asked to stop any lobbying of other agencies to persuade them to exclude Newland's project from the pending draft NC MSCP. Prior to Board action on the Project and any County approval, it is improper for Newland to place County Planning Staff in the position of project advocates before other agencies. County Planning Staff should not be asked to advocate for an unapproved development proposal that contradicts the County's General Plan and is located in an area that the Board has twice voted to keep rural.

¹⁰ A November 18, 2015 email from USFWS staff member Karen Goebel is addressed to Rita Brandin and County Planning Director, Mark Wardlaw; a January 15, 2016 email exchange between Mendel Stewart and Rita Brandin copies Mark Wardlaw; a October 10, 2016 email from consultant Steve Thompson refers to a "County rep;" and a September 9, 2015 email from County Planning Staff member Ashely Gungle to Rita Brandin forwards an email from Karen Goebel to Mark Wardlaw.

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VI. CONCLUSION

Thank you for your time and attention to our comments. Please feel free to contact me at (858) 523-5400 or christopher.garrett@lw.com if you would like to discuss these matters further.

Best regards,

Christopher W. Garrett

Christopher W. Garrett of LATHAM & WATKINS LLP

cc: Kathy Van Ness, Golden Door

Mark Wardlaw, County Planning and Development Services

Darin Neufeld, County Planning and Development Services

Mark Slovick, County Planning and Development Services

Ashley Smith, County Planning and Development Services

Peter Eichar, County Planning and Development Services

Crystal Benham, County Planning and Development Services

Karen A. Goebel, USFWS

Mendel Stewart, USFWS

Gail K. Sevrens, CDFW

Tom Kumura, Twin Oaks Valley Sponsor Group Chair

Margarette Morgan, Bonsall Sponsor Group Chair

Wayne Dauber, Hidden Meadows Sponsor Group Chair

Dan Silver, Endangered Habitats League

Laura Hunter, Wildlife and Habitat Conservation Coalition

George Courser, Sierra Club San Diego

Doug Hageman, Newland

Paul Robinson, Hecht Solberg Robinson Goldberg & Bagley

Mark Dillon, Gatzke Dillon & Balance

Stephanie Saathoff, Clay Co.

Denise Price, Clay Co.

Andrew Yancey, Latham & Watkins

EXHIBIT A

	HONORING	THE MSCP		
	Issue	Case in Point	Documentation	
Honoring Assurances	question. Coverage is coverage – adaptive management is proper tool for correcting plan issues.	V13 – See Golden Eagle below.	<u>V13.3</u> –Page 6	
		MSCP Biological Opinion says effects of impacts on Golden Eagle which are expected to result from the County Subarea Plan are not significant to the species' long term survival.	V14.1-Entire Document	
		Accordingly, V14 has rights to proceed today under MSCP permit, yet FWS seeks to undermine, renegotiate and even acquire the property under the pretext of "new information." New information doesn't impeach Golden Eagle coverage in County. Wildlife agencies refuse to acknowledge County Circulation Element roads may traverse preserve.	V14.5-Entire Document, Page 4 V14.6-Entire Document V14.7-Entire Document	
		Newland Sierra has an existing hardline preserve and development plan. Neither has been honored.	NS.1- Entire Document NS.2 - Entire Document Enclosures NS.3- Entire Document NS.4 - Entire Document	
		Fanita Ranch has two hardline plans only one of which has been honored.	<u>HF.3-</u> Page 2, Page 3	
Lack of Good Faith Negotiations	Continually "moving the goal posts" so as soon as an issue is addressed, a new one is raised, with no end.	Village 13 negotiated a separate agreement independent of the regional QCB strategy, which was agreed to by the parties. Then, FWS reneged and asked for an unworkable Alternative D, in addition to still requiring a regional mitigation strategy.	V13.1-Entire Document V13.2-Entire Document V13.3-Page 4 V13.4-Page 1 V13.5-Exhibit	
		Village 14 was encouraged to pursue land exchange beneficial to the preserve. V14 spent one year and \$2MM doing biological due diligence and submitted an exhaustive analysis in support. After nine months with no response, V14 receives summary denial with factually inaccurate rationale, even when it improves the Golden Eagle status and MSCP preserve. V14 asks FWS for meeting to discuss and was turned down.	V14.2-Entire Document V14.3-Entire Document V14.4-Entire Document V14.5-Entire Document V14.6-Entire Document	
		Newland project was already included in MSCP North County draft plan as a hardline plan, yet FWS denies that. Newland improved on that hard line, yet FWS arbitrarily changes MSCP design criteria and demands that offsite mitigation land be a development project.	NS.1- Page 1 NS.2-Entire Document Enclosures NS.3-Entire Document NS.4-Entire Document	

March 17, 2017

		Fanita has two previously approved footprints which were even validated by the court. Even so, Home Fed improved on those plans. Instead of support and collaboration, FWS seeks to undermine in damaging letter and bad faith negotiations.	HF.1–Entire Document HF.3–Entire Document HF.4–Exhibit HF.5–Exhibit
Communication and Actions in Breach of MSCP	Sending damaging comment letters opposing projects that all parties agreed to allow in the MSCP, raising issues over species covered in the MSCP and withholding concerns and information about project impacts until projects go out for public review.	FWS/CDFW Comment letter on V13 EIR.	<u>V13.3</u> -Page 6
		FWS/CDFW Comment Letter on V14 NOP is the wrong venue for MSCP planning issues, which should be separately addressed with the County in the overall context of the MSCP North Plan.	V14.2-Entire Document
		FWS/CDFW Comment Letter on Newland Sierra NOP is the wrong venue for MSCP planning issues, which should be separately addressed with the County in the overall context of the MSCP North Plan.	NS.1-Page 1
		FWS/CDFW disingenuous comment letter on Fanita arbitrarily changing MSCP design criteria. Unilaterally eliminating the 4 (d) interim loss permit process in Santee without following regulatory procedures.	HF.3-Entire Document HF.3-Entire Document
Golden Eagle	Not honoring covered species list and trying to sidestep plan provisions to deal with new information.	MSCP Biological Opinion says effects of impacts on Golden Eagle which are expected to result from the County Subarea Plan are not significant to the species' long term survival.	GE.1-Entire Document
		FWS says new Golden Eagle information puts the County's MSCP permit at risk. USGS info is not anything new. If a real issue, then FWS needs to follow MSCP Implementation Agreement and not send ominous, threatening letters. FWS wrongly asserts that definition of Take is different for ESA and BGEPA.	GE.5-Attachment A GE.2-Entire Document GE.3-Entire Document GE.4-Entire Document GE.5-Entire Document
		Using new BGEPA regulations to undermine program assurances for both V13 and V14.	V13.3–Page 6 HF.2–Entire Document
Mega-Preserve	Ignoring solutions that do not coincide with agency agenda.	If concern over Golden Eagle is real, there are areas with over 100,000 acres which could be used for expanding core conservation areas, but due to an anti-growth agenda by FWS, these solutions are pushed away because of no threat of development. Warner Springs Ranch Resort owners offered a solution to Golden Eagle "problem" and were ignored. Specifically, service promised assigning a person to work on this and never did.	WSRR.1-Entire Document WSRR.2-Entire Document WSRR.3-Exhibit WSRR.5-Exhibit WSRR.5-Exhibit WSRR.5-Exhibit WSRR.5-Exhibit WSRR.5-Exhibit

March 17, 2017

Exhibits	Otay Ranch - Village 13	Otay Ranch - Village 14	Newland Sierra	Home Fed - Fanita Ranch	Golden Eagle	warner Springs Mega Preserve
	V13.1	V14.1	NS.1	HF.1	GE.1	WSRR.1
	Quino Checkerspot Butterfly	Excerpt from Biological Opinion	USFWS NOP Comments.	Karen Goebel - Voicemail	Excerpt from Biological and	Warner Springs Ranch Resort - Program
	Amendment				Conference Opinions of the MSCP	Synopsis
	V13.2	V14.2	NS.2	Karen Goebel Voicemail 9-16-16	GE.2	WSRR.2
	Biological Resources Technical Report	Proposed Otay Ranch Village 14 Land	CDFW NOP Comments	HF.2	County MSCP Compliance with	Warner Springs Ranch Letter to FWS
	V13.3 Draft EIR Comment Letter for Otay	Exchange		Proposed Eagle Permits	BGEPA Letter	WSRR.3 San Diego County
	Ranch V13		Enclosures	HF.3		WSRR.4
	V13.4	V14.3	NS.3	Draft MSCP Subarea Plan HF.4	G.E.3	Rancho San Jose del Valle
	Quino Meeting 6-16-2016	Jackson Pendo Development Company	USFWS/CDFW/County	Home Fed Fanita Ranch Plan	Multiple Species Conservation	WSRR.5
	V13.5	V14.4	Correspondence	HF.5	Program Compliance	Regional Setting/Ownership Map
	Fig 4.0-3	Denial Letter	correspondence	FWS Fanita Ranch's (2)	G.E .4	WSRR.6
		<u>Serial Ecces</u>	NS.4	1445 Familia Harrist (2)	Take Coverage for Golden Eagle	Warner Springs Resort Map
		V14.5	USFWS Coordination Summary		Under the San Diego MSCP	WSRR.7
		Notice of Preparation Letter of EIR	Memo		Order the Sair Diego Wiser	Comprehensive Conservation and
					G.E. 5	Enhancement Plan Map
		V14.6			Multiple Species Conservation	WSRR.8
		Summary			Program Compliance Letter	Video of Warner Springs Ranch Resort
					1 rogium compilance tetter	
		V14.7				
		Excerpt from Implementing Agreement				
	Solutions:	Solutions:	Solutions:	Solutions:	Solutions:	Solutions:
	Honor agreement identified in V13.2	Support land exchange. Honor MSCP	Honor MSCP North County	Honor previous two Fanita MSCP	Honor MSCP assurances on	Follow through on assembling mega-
	for modified project. Honor MSCP	assurances on Golden Eagle.	previous hardline agreement.	Santee hardline agreements.	coverage. Use adaptive	preserves.
	assurances on Golden Eagle	assarances on coluen Eagle.	Support inclusion of revised	Support inclusion of superior	management and follow through	preserves.
			hardline in current draft of	revised hardline in current draft of	on mega-preserves.	
			MSCP Plan. Accept mitigation	MSCP plan.		
			proposal that does not			
			necessarily entail development			
			project.			
			project.			

EXHIBIT B

Newland Sierra, LLC

4790 Eastgate Mall, Suite 150 San Diego, CA 92121

MEMORANDUM

To: Paul Souza, Regional Director, USFWS

Mike Fris, Assistant Regional Director, USFWS

From: Rita Brandin, Newland Communities

Subject: Newland Sierra – USFWS Coordination Summary

Date: November 11, 2016

This memo is intended to provide a brief summary of the history of the Newland Sierra project permitting process in northern San Diego County. The project site is located along I-15 just north of Escondido. It was the subject of a prior permitting process in 2008, known as Merriam Mountains. That project had a footprint of 2,327 acres and onsite preservation of 1,305 acres of open space (56% preservation). Open space design and project hardline agreements were reached with several State and federal agencies. The agreements were memorialized through a Points of Agreement document signed by the parties, including the USFWS Carlsbad office.

The project was not approved by the County of San Diego due to unrelated issues. That, combined with the downturn in the economy, resulted in the project's dormancy until 2013, when Newland Communities acquired rights to the project site and redesigned the project. The new design now includes a 1,985-acre footprint and 1,209 acres of onsite open space (61% preservation). In addition, Newland proposed to purchase additional offsite habitat to further its conservation goals. The only listed species impacted by the project will be 1 pair of gnatcatchers that are within a fuel modification zone on the outer edge of the proposed development.

Newland Communities' intention in 2013 was to gain concurrence and support for a significantly enhanced hardline agreement that reduced the project footprint, increased the percentage of open space and added more mitigation components offsite. This consultation was initiated prior to submittal of the formal application of the project to the County of San Diego. As this process progressed, Newland attempted to accommodate USFWS requests for information, analysis, and yet more mitigation. Service staff dismissed the relevancy of the prior Points of Agreement, maintaining that Newland was required to begin the permitting process as a new project. Further, staff insisted that the County's hardline process was inadequate to use to permit the project, regardless of any improvements from the initial project design. Ultimately, Service staff placed

Subject: Newland Sierra – USFWS Coordination Summary

demands on the Applicant that were financially infeasible, both in project design and acquisition of specific, additional off-site mitigation. Subsequent to offers to use alternative permitting processes, it has become clear that the Applicant is at an impasse with Service staff.

Following is the history of the site and a summary of the efforts undertaken by Newland.

HISTORY OF PROJECT SITE – PRIOR PROJECT HARDLINE AGREEMENT

- A project called Merriam Mountains began planning and coordination with the County and the USFWS in February 2003.
- The initial plan for that project included development in the northern part of the site (referred to as "Neighborhood Five" as part of the Merriam Mountains project).
- O During coordination, USFWS requested that the applicant delete key northern neighborhoods in order to create a preserve in a larger block of habitat in the northern part of the site. Staff agreed to support a hardline if the developer would agree to an "All South" development plan (USFWS letter from staff person Susan Wynn is available upon request).
- In exchange for moving development to the South, a hardline agreement was executed between the developer and the USFWS (dated October 2005 – available upon request).
- Subsequent to that hardline agreement, the local fire district imposed strict fuel modification requirements, which was viewed as a "late hit" by the USFWS; however, the project moved forward through the EIR and entitlement process with the hearing on the project occurring December 9, 2009.
- The Merriam Mountains Specific Plan was denied by San Diego County Board of Supervisors on December 9, 2009

HISTORY OF PROJECT SITE - NEWLAND SIERRA

- o Newland Communities acquired the project site in 2010.
- Newland began planning for a new project in 2013 (now referred to as Newland Sierra).
- October 28, 2013 Newland meets County staff, and USFWS on October 28, 2013 to introduce the project
 - Newland Sierra used Merriam Mountains ("All South" plan) as a baseline, and then improved upon that design from a biological standpoint.

- Reconfiguring and reducing the footprint of the neighborhoods, deleting ridge line development, creating habitat linkages, and assembled new open space areas by working with the County Fire Authority and fire district to resolve fuel modification requirements
- Key to providing an undisturbed northern block of habitat was the removal of a secondary access road (Lawrence Welk Court) that previously bisected the large block of open space in the north under the Merriam plan.
- o **January 2014** USFWS staff indicated four issues that needed proof of resolution before a hardline decision could be made:
 - Lawrence Welk Court removal
 - Removal of fuel modification along I-15 and within the interior of the project site
 - Identification of access and recreation needs within the Preserve determined
 - Survey for Hermes copper to determine presence or not
- o **April 3, 2014** Newland presented improved site plan and preserve design addressing the items identified by USFWS in January.
- o **July 29, 2014** Property site visit to include USFWS and CDFW.
- November 14, 2014 Dudek submits 177-page biological technical memorandum addressing USFWS concerns, for USFWS review (available upon request)
- November 19, 2014 Newland presented redesign of trail system and relocation of equestrian access and staging area, as well as overall consistency of open space design with the NC MSCP. USFWS requested a meeting with the fire district to discuss/confirm that no additional fuel modification would be required on the project site.
- March 5, 2015 USFWS staff communicates to County staff that they had not reviewed the technical memorandum, and stated they could not support a hardline agreement absent a full project redesign.
- o March 12, 2015 (stamped as received) USFWS submits a comment letter during the Newland Sierra NOP Scoping Period to this effect, indicating that they

did not support the project and requesting that Alternatives be analyzed involving substantial redesign. Additionally, the letter from USFWS did not acknowledge any of the ongoing consultation between Newland, the County, and USFWS.

- June 17, 2015 In response to USFWS comments from January 2014 regarding the "changed conditions" since the Merriam Mountains hardline agreement was completed, Newland presents information to USFWS (presentation available upon request) indicating how conditions have not changed:
 - Foundational biological data for the NC MSCP is unchanged
 - Overall goals of the NC MSCP are unchanged
 - PAMA boundaries are largely unchanged
 - General Plan land use designations are largely unchanged from the prior General Plan
- o **September 9, 2015** E-mail from Karen Goebel sending a "re-design" of the project to the County via e-mail in preparation for the next day's meeting.
- September 10, 2015 Newland discusses project with USFWS and County staff. Mendel Stewart indicates he first heard about this project 6-8 months ago, and that delays on his staff's review were due to workload, vacations, and other things. Karen Goebel brings up new issues wildlife undercrossings, dislike of Camino Mayor. Karen also mentions that 4d (HLP) is another option for biological permitting, since the site doesn't have a lot of coastal sage scrub and "this is not a core gnatcatcher population." Karen also mentioned that if Newland were to avoid occupied gnatcatcher habitat, the project could move forward with a 4d denial from USFWS. After consultation with County counsel and staff, Newland understands this is not true.
- November 5, 2015 Meeting between County, USFWS, and CDFW where Newland presents revisions to the site plan to partially accommodate their requests for project redesign (pullback in certain areas based on USFWS requests) and an analysis of acreage and biology for fifteen (15) parcels for potential offsite mitigation. USFWS requests an opportunity to review the analysis and promises to provide feedback. A follow up meeting is scheduled for November 19, 2015.
- November 18, 2015 Newland receives an e-mail from Karen Goebel indicating that USFWS and CDFW had met on 11/12/15 to review and discuss the proposed offsite acquisition list, and sets forth their position on the amount of acreage overall they would accept for conservation. This e-mail specifically sets forth only

two properties they would "accept" in order to consider a hardline agreement. Both properties currently have approved tentative maps for development.

- November 19, 2015 Meeting between County, USFWS and CDFW to again discuss the list of potential acquisitions.
- o **December 2, 2015** USFWS email indicates that "we will support acquisition of the Morris Ranch property" because it would serve as a linkage, and "we will support the Mountain Gate acquisition" because of its size and location.
- O January 15, 2016 USFWS email indicates that, even with acquisition of Morris Ranch (which Newland had not yet negotiated awaiting USFWS staff confirmation that no further mitigation was required if the property could be acquired), that USFWS would not move forward with a hardline agreement, for the following reasons:
 - Not enough quality conservation onsite
 - Mitigation being proposed does not adequately make up for the on-site deficiencies
 - Offering a hardline would hinder completion of the NC MSCP
 - Too much time commitment from USFWS and the County to continue down this path

PERMITTING PROCESS CONCERNS

- Draft North County MSCP underway but not anticipated to be completed in time to allow Newland's project to be permitted under the final plan given our project schedule. USFWS staff person says "Draft NC MSCP has nothing under the hood" further denigrating the efforts.
- o Multiple comments from USFWS indicating that approving a hardline for Newland Sierra project would impact the completion of the NC MSCP (Newland Sierra is only 1,985 acres within the NC MSCP study area of 312,284 acres).
- During Section 7 Consultation USFWS staff person says that regardless of whether Army Corps takes jurisdiction over listed species (gnatcatcher), Newland Sierra will still need a Habitat Loss Permit (HLP) as this covers the "entire site."
- o The 4d/HLP process is guided by a Planning Agreement in place that sets forth process while NC MSCP is still being worked on. The Interim Review Process

ensures that projects being considered for approval prior to adoption of NC MSCP do not compromise the successful implementation of the plan

- O USFWS staff continues to disagree with our team regarding fundamental project design considerations in the context of the Interim Review Process guidelines (reference NOP letter and coordination process summarized above) without providing their own "technical reasoning" for rejection but referencing broad, subjective objections under the guise of "meeting the interim guideline objectives"
- Although USFWS staff have stated on several occasions that the project doesn't need a hardline as it is "easy" to go through the HLP process (with direct comments that the HLP won't be an issue), there is history on other projects that indicates that staff uses the HLP process to delay projects by never "getting to resolution".
- With the delays and endless attempts at coordination and resolution that Newland Sierra has experienced since 2014, there is no confidence that the same treatment with the same staff will not occur when the applicant is ready for a Habitat Loss Permit.

EXHIBIT C

Records of FWS/CDFW not adhering to MSCP criteria for design/offsite mitigation and honoring hardlines

Rita Brandin

From: steve@stevethompsonllc.com

Sent: Wednesday, October 12, 2016 3:15 PM

To: Rita Brandin
Subject: FW: Meeting

Attachments: nc ec mscp plan agreemen_20160802082150.pdf

Rita, does this make sense to you?

Steve

"Confidential Attorney/Client Work Product - PREPARED IN ANTICIPATION OF LITIGATION"

From: Stewart, Mendel [mailto:mendel_stewart@fws.gov]

Sent: Wednesday, October 12, 2016 11:42 AM

To: steve@stevethompsonllc.com

Cc: Ed Pert <ed.pert@wildlife.ca.gov>; Karen Goebel <karen_goebel@fws.gov>

Subject: Re: Meeting

Steve,

The problem with the Newland/Sierra project is that we don't believe it meets the agreed to framework (at least from our current understanding) of the County's regional plan. As a result, it is up to the county to either modify her plan or the regional plan. At this point, we are waiting to understand what the county intends to do about its regional plan. Rita's project can move forward with their plans anyway they want. It is up to the county as to how it fits their plan because our understanding is that it has almost no impact on listed species. It is strictly about meeting the planning guidelines agreed to in 2014 (attached).

<Mendel

On Wed, Oct 12, 2016 at 10:06 AM, steve@stevethompsonllc.com <steve@stevethompsonllc.com> wrote:

Mendel/Ed,

Thanks for the quick response.

The major issue really seems to revolve around what is described in the "draft Endangered Species Act Compensatory Mitigation Policy", as what the applicant can do as appropriate and practicable avoidance and minimization measures. Ed I'm not familiar with the State process, so not sure if you have a comparable direction or guidance?

"Practicable - available and capable of being done after taking into consideration existing technology, logistics, and cost in light of a mitigation measure's beneficial value and a land use activity's overall purpose, scope, and scale (81 FR 12380; March 8, 2016)." If the agencies recommendations to gain your support aren't practicable and appropriate to the applicant, then it really doesn't make sense to meet this Friday. Thanks for your consideration. Steve steve@stevethompsonllc.com 916-600-5227 From: Stewart, Mendel [mailto:mendel stewart@fws.gov] Sent: Tuesday, October 11, 2016 4:56 PM To: steve@stevethompsonllc.com Cc: Ed Pert <ed.pert@wildlife.ca.gov> Subject: Re: Meeting Steve, Ed and I are available all afternoon on Friday. It will depend on whether Mark can meet and what time he is available. As for authority to tell an applicant to suspend their development process, as far as I know we have none. We have not asked them to suspend their project. My understanding from the meeting with Susan Wynn and the Corps was that we just pointed out that getting the regional HCP/NCCP completed as soon as possible would benefit everyone.

I know that we looked hard at Rita's project and provided recommendations on how to gain our (State and Federal wildlife agencies) support for the project. These same recommendations will be provided as comments

when the draft CEQA document comes out. If this project moves forward in advance of the North County Plan, the only Service regulatory oversight will come from the section 7 consultation with the Corps and 4(d) rule compliance through the County. We cannot comment on the outcome of these processes until the applicant and agencies with oversight (Corps and County) submit the required information to us. The Corps has not initiated consultation on the project and the 4(d) information is usually submitted to the County through the CEQA process. As for ESA Mitigation Strategies and the new HCP handbook, we don't expect delays in the processing the North County Plan due to the draft guidance and policies.

We have provided our recommendations to improve the applicant's project design multiple times. These recommendations were provided to help ensure the proposed project would be consistent with the conservation strategy of the North County plan as proposed to us by the County. We agree there is no reason to meet if the project design is not changing. There is nothing to prevent the applicant or the County from moving forward with the CEQA process.

That said, I'm happy to meet with her anytime to go over it again to make sure I understand her permit concerns. Ed is also happy to meet again.

<Mendel

On Mon, Oct 10, 2016 at 7:49 PM, steve@stevethompsonllc.com <steve@stevethompsonllc.com> wrote:

See comments below.

Steve

steve@stevethompsonllc.com

916-600-5227

From: Mendel Stewart [mailto:mendel stewart@fws.gov]

Sent: Monday, October 10, 2016 5:34 PM

To: steve@stevethompsonllc.com

Subject: Re: Meeting

Steve,

I checked with Ed and he is available as I am on Friday afternoon. Both Ed and I have a meeting with the Corps of Engineers and many others on the San Elijo Lagoon restoration project in the morning on Friday. It will be just Rita and I. Can I make it back to airport for a 4:50 pm flight? What time can you guys meet in the afternoon? Will ask Rita if she is available.

If the afternoon works for you, I recommend that you and Rita ask Mark Wardlaw from the county to attend. We would also need to know who from Rita's group will attend. If she's going to bring other consultants Ed and I would need to bring our staff because we don't really know all the details they know. Rita will ask Mark Wardlaw at the county if he can attend. It will just be Rita and I.

Steve, I also need to know what the subject is. We have already been through discussion about her project as you know. The county, state and our focus should be on getting the regional HCP/NCCP completed. Going over her project again just delays that.

Mendel the topic is how to work together to get the needed permits from the Department and FWS for the proposed project. I'm not sure what authority you and Ed have to tell the applicant to suspend the existing permit process and force them to complete a regional HCP/NCCP, of which they are very small player in the conservation strategy, have no control over the agencies performance or ability to complete an HCP, that has been in the works for years. In addition the FWS is apparently hard at work on ESA Mitigation Strategies and a new several hundred page HCP handbook, that if implemented will make it almost impossible to finish an HCP/NCCP. An HCP of this complexity could take up to 50 months according to the draft handbook headed to final.

I haven't seen, maybe I missed it, any analysis of the conservation strategy by the agencies. If the only answer is to make them complete the Regional HCP/NCCP, which they have no control over, then is no real reason to meet locally.

Mendel

Sent from my iPhone

G. Mendel Stewart

U.S. Fish and Wildlife Service

Mobile (760) 533-5976

On Oct 10, 2016, at 11:12 AM, "steve@stevethompsonllc.com" <steve@stevethompsonllc.com> wrote:

Ok how about Rita and I meet Friday morning with Ed, you and the county rep?

I have a meeting with Chuck Bonham, Thursday afternoon, then fly down Thursday night, Fly back late Friday.
Steve
steve@stevethompsonllc.com
916-600-5227
From: Stewart, Mendel [mailto:mendel_stewart@fws.gov] Sent: Tuesday, October 4, 2016 10:52 AM
To: steve@stevethompsonllc.com Subject: Re: Meeting
Steve,
I spoke with Ed Pert, Regional Manager for the Department of Fish and Wildlife, about meeting with Rita. He reminded me that they and the County are each involved in this proposed project and should also be involved in any meetings. He also asked me exactly what the subject of the meeting was and I had trouble describing it.
I request that any meetings we have about this project include both the County and the State so that each party is kept informed equally. It would also be helpful to have a better understanding of the specific topic.
Thank you.
<mendel< td=""></mendel<>
On Fri. San 20, 2016 at 12:50 PM at 12:50 PM

On Fri, Sep 30, 2016 at 12:50 PM, steve@stevethompsonllc.com <steve@stevethompsonllc.com> wrote:

From: Stewart, Mendel <mendel_stewart@fws.gov>

Sent: Friday, August 5, 2016 5:37 PM

To: Rita Brandin
Subject: Re: Corps Meeting

Follow Up Flag: Follow Up Flag Status: Flagged

Rita,

I'm sorry for the delay in responding. I do not plan to attend this. I have a conflict but even if not, our staff should work with you and your team on this.

I am still working on my understanding of the 4d Rule and hope to get answers for you soon.

<Mendel

On Wed, Aug 3, 2016 at 9:39 AM, Rita Brandin rbrandin@newlandeo.com wrote: Hi Mendel: Susan Wynn has responded that August 18th at 2:00 works for her to meet with Shanti and our team.

Your participation is very important as well. Please confirm that this date and time work for you as well?

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Mendel Stewart
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Field Supervisor
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
760-431-9440
mendel stewart@fws.gov
http://www.fws.gov/carlsbad/

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Region 8 Twitter page: https://twitter.com/USFWSPacSWest

From: Stewart, Mendel <mendel_stewart@fws.gov>

Sent: Friday, July 29, 2016 4:31 PM

To: James Whalen

Cc: Rita Brandin; Adams, Matt (matt@biasandiego.org); Karen Goebel; Scott Sobiech

Subject: Re: FW: Soitec Admin Record

Jim,

Thanks for providing this information. We will be in contact to discuss it. Have a great weekend.

<Mendel

On Fri, Jul 29, 2016 at 10:06 AM, James Whalen <james@jwhalen.net> wrote:

Thanks for getting together Tuesday, Mendel. While we have other matters to follow up on, I wanted to take this opportunity to address a comment you made about a "requirement" for 75% open space and 25% limit on development in the North County MSCP's planning. I also wish to elaborate on BIA concerns about not following the required conservation planning steps in the preparation of the MSCP Subarea plans, in this case, the MSCP North County.

As you can see in the attached, executed Planning Agreement for the North and East County plans, there is no requirement for 75%-25%. I don't know where staff came up with that notion, but it is not required and Newland shouldn't be asked to adhere to it.

The same Planning Agreement requires the County and agencies to deploy a steering committee to participate in the process, and unfortunately, we don't have that yet. I predict this will cause problems because we will be getting a draft plan that is more "cooked" than it should be at this point in the process given no stakeholder review for seven years.

Additionally, you can see in Section 6.2.1 of the Planning Agreement that there are discrete, defined methods that need to be followed for the Service and Department to make the findings to issue take authorizations. Steps 6.2.1 c, e, f, and g require that the preparation of the conservation analysis supporting those findings be done using species point locations and species modeling with gap analyses to ensure accuracy in the determination of coverage. In other words, we must prepare MSCP Subarea Plans this way. On other hand, arbitrary or subjective "lines on paper" cannot be supported without such analysis being done. Any litigation brought on a project or subarea plan will be successful challenging the issuance of permits without such analysis.

Accordingly, hardlined boundaries showing what open space will be in a Subarea Plan are a critical precursor of the baseline to achieving an adequate conservation analysis and if changed in either a draft or approved plan

without analysis, the effects ripple throughout through those draft and approved MSCP plans. By the way, I also attached an updated version of the graphic I shared with you Tuesday—it was pointed out the term "landowner" more accurately represents the meaning. The point of that graphic is clear—we have a three-footed stool that is needed for these plans to work. With any of the three missing, no plan.

Please let me know if you have any questions. Thanks again, JImW

Mendel Stewart
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Field Supervisor
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
760-431-9440
mendel stewart@fws.gov
http://www.fws.gov/carlsbad/

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Region 8 Twitter page: https://twitter.com/USFWSPacSWest

From: Stewart, Mendel <mendel_stewart@fws.gov>

Sent: Friday, January 15, 2016 5:45 PM

To: Rita Brandin

Cc: Ed Pert (EPert@dfg.ca.gov); Karen Goebel; Mark Wardlaw; Scott Sobiech

Subject: Re: FW: Follow Up from Telephone Discussion Yesterday -

Rita,

Your request for confirmation that no further offsite mitigation would be requested was because Karen had indicated in her 11/18/2015 email see excerpt below, that the Wildlife Agencies would need to determine whether additional offsite mitigation would be required if Newland Sierra entered into a <u>partnership</u>, where mitigation credit would be shared, to acquire the Morris Ranch property rather than purchase the property outright, where full credit would be given to the Newland Sierra property. You indicated in our 12/9 telephone conversation that Newland Sierra would not be willing to purchase additional acreage.

From our 11/18/2015 email:

"The Morris Ranch site is approximately 230 acres in size. Full conservation of the site by the Applicant would result in a 66/34 conservation to impact goal for the project and because of this area's importance to the draft North Count MSCP, the Wildlife Agencies would agree to a hard-line agreement even at this lower conservation to impact ratio. If the property was purchased in coordination with another entity, the Wildlife Agencies would need to determine the amount of additional offsite acreage that may or may not be needed for a hard-line agreement. We understand that any purchase at this site represents greater risk for the Applicant; however, this is the property that will bring the Applicant greatest support from the Wildlife Agencies, and its conservation could potentially gain support for the project from other conservation groups."

Below are our reasons for not going forward with hardline agreements:

- We don't believe the necessary quality conservation is designed on site. This includes not only acreage but also the conservation design. We cannot publicly defend what is being proposed as sound conservation meeting the intent of the proposed North County MSCP.
- 2. We also don't believe the mitigation being proposed, even what would come from your partnership with Camp Pendleton for purchase of Morris Ranch, adequately make up for the on-site deficiencies.
- 3. We are also concerned about how providing this hardline would impact the completion of the North County MSCP. We are concerned that to continue to provide hardlines that we are reducing the incentive for completing the N. County Plan.

4. Finally, the time commitment required from the wildlife agencies and the county is not well spent. By continuing to address individual project requests for a hardline, we are just encouraging others in the future to make similar requests. It is in all of our best interests to put our efforts toward completing the plan.
I hope this helps clarify our position.
<mendel< td=""></mendel<>
On Tue, Jan 12, 2016 at 1:05 PM, Rita Brandin < rbrandin@newlandco.com > wrote:
Mendel:
I thought it important to document our conversation yesterday, and I've copied Ed on the communication since Gail was on the call as well.
As a follow up to the joint meeting in late November between the Agencies, the County and Newland, I had a call with you and Karen Goebel on 12/9 wherein we discussed the potential offsite acquisition of Morris Ranch, and I requested confirmation from both agencies that if I were able to jointly acquire Morris Ranch that no further mitigation requirements would be required in order to agree to a hard-line. I wanted this assurance before I started discussion with the contact Karen had given me from the Marine Corps.
Our call yesterday was for you to relay the mutual decision of both agencies that a hard-line will no longer be considered by either agency. This decision was arrived at during the joint meeting between both on 1/11/16. When I asked you why you were no longer willing to consider a hard-line even with the directed offsite acquisition, you indicated that the project design is an issue, that the plan doesn't offer enough acreage for conservation and that entering into a hard-line put the future of the North County MSCP at risk. You also indicated that the time commitment to work with individual applicants was not time well spent for the agencies, and that entering into a hard-line with Sierra would potentially open the door to other applicants wanting the same thing.
You indicated that you had communicated this to the County as well.

This is my understanding of our telephone call. I would appreciate your confirmation or corrections so that we have a record of our communication and the Agencies' decision.

Thank you,

Rita Brandin

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Carlsbad Fish and Wildlife Office
Field Supervisor
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
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From: Rita Brandin

Sent: Tuesday, January 12, 2016 1:05 PM

To: 'mendel_stewart@fws.gov'
Cc: Ed Pert (EPert@dfg.ca.gov)

Subject: FW: Follow Up from Telephone Discussion Yesterday -

Mendel:

I thought it important to document our conversation yesterday, and I've copied Ed on the communication since Gail was on the call as well.

As a follow up to the joint meeting in late November between the Agencies, the County and Newland, I had a call with you and Karen Goebel on 12/9 wherein we discussed the potential offsite acquisition of Morris Ranch, and I requested confirmation from both agencies that if I were able to jointly acquire Morris Ranch that no further mitigation requirements would be required in order to agree to a hard-line. I wanted this assurance before I started discussion with the contact Karen had given me from the Marine Corps.

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You indicated that you had communicated this to the County as well.

This is my understanding of our telephone call. I would appreciate your confirmation or corrections so that we have a record of our communication and the Agencies' decision.

Thank you,

Rita Brandin

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From:

Goebel, Karen <karen_goebel@fws.gov> Wednesday, December 16, 2015 5:33 PM

Sent: To:

Rita Brandin

Subject:

Telephone Number

Rita,

Karen

Can you call me or resend me your telephone number(s). I have misplaced them.

would not be

our proposal

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax

Please review

From:

Stewart, Mendel <mendel_stewart@fws.gov>

Sent:

Wednesday, December 2, 2015 5:39 PM

To:

Rita Brandin

Cc:

Karen Goebel: Ed Pert: Mark Wardlaw

Subject:

Re: FW: Our Discussion on Friday afternoon, November 20th - Correction on Prior E-

Mail

Hi Rita,

Thank-you for trying to capture our conversation. I would like to clarify the following points:

We have no objection to the project applicant's purchase of offsite mitigation lands in support of adding to the overall conservation of the Draft North County MSCP preserve lands; however, from the list of properties provided for our review and support for a potential hard-line agreement, some properties are considered of greater biological value than others. Specifically, we will support acquisition of the Morris Ranch property because the proposed development on the site will sever a key linkage in the Draft North County MSCP, thus conservation of the site has been a priority for conservation for some time. The project applicant's contribution to the acquisition of this critical property would help us make a stronger biological case that the offsite mitigation proposed offsets the loss and fragmentation of the project's onsite PAMA lands. Likewise, we will support the Mountain Gate acquisition because of its size and location within the PAMA and because its purchase will ensure conservation of a large core area of the Draft North County MSCP preserve.

During our conversation, my intent was not to dismiss the value of the Hooshpack or Pankey properties' contribution to the Draft North County MSCP preserve system, but only to do what you asked in identifying Service priorities for conservation that would lead to a hard-line agreement. Because the proposed Newland Sierra development will result in a loss of wildlife habitat originally identified to be part of the Draft North County MSCP preserve, acquisition of PAMA lands planned for development helps ensure that there is no net loss of PAMA acreage and that the anticipated size and configuration of the planned preserve can be achieved. Acquisition of one of these properties which both include development would offset the overall loss of existing PAMA acreage that will result from the Newland Sierra development. Conservation of the Hoospack or Pankey properties, while not insignificant, will not assist in maintaining the scope of the PAMA lands needed to assemble the preserve anticipated by the Draft North County MSCP.

I hope this helps clarify our conservation priorities and to dispel any concerns you may have regarding our agency's role in balancing the needs of residential and commercial development with our mission to conserve the nation's important fish and wildlife resources. We believe the section 10 permitting program and regional planning through the MSCP highlight the Service's sincere efforts to work in partnership to achieve this goal.

Marine Corps Base Camp Pendleton is the potential partner for the Morris Ranch property. We let them know that someone might be interested in partnering on this acquisition. Below is the person to contact.

Ken Quigley Strategic/Regional Environmental Planner Strategic Planning Section, Building 22165 MCIWEST_MCB Camp Pendleton Box 555008 Marine Corps Base

Camp Pendleton, CA 92055-5008 (760) 725-9733 DSN: 365-9733 FAX -9722 Please let me know if you have any questions. <Mendel On Wed, Dec 2, 2015 at 10:05 AM, Rita Brandin rbrandin@newlandco.com> wrote: Good morning Mendel: After re-reading the e-mail I sent to you on 11/25, I realized that I put the incorrect date down for our last meeting. Please see those corrections below in red. Please let me know if you have any further additions or corrections. Also, if you have reached the Morris Ranch contact that was discussed in our meeting. Thank you. Rita Brandin From: Rita Brandin Sent: Wednesday, November 25, 2015 11:58 AM To: 'mendel stewart@fws.gov' Subject: Our Discussion on Friday afternoon, November 20th Importance: High Good morning Mendel:

I appreciate that you called me directly on Friday afternoon to discuss the U.S. Fish and Wildlife agency's stance on offsite acquisition options as a follow up to our Thursday, November 19th meeting at the County. As I have reviewed the discussion with others, I've concluded that it might be important to memorialize our conversation so Newland and our team have clarity moving forward. If I missed any key points or misunderstood any of your comments from the discussion, please feel free to provide those additions or corrections to my summary e-mail. I will attempt to capture the key points as I understood them.

As you know, we had previously proposed a list of off-site parcels at our meeting on November 5th, and we discussed the same list at our meeting on November 19th. We asked that you relook at the biological value of those parcels for acceptable offsite acquisition by Newland in lieu of being limited to only the Morris Ranch and Mtn. Gate parcels as communicated in Karen Goebel's e-mail to me on November 18th. You mentioned you would meet further with your staff to discuss the list.

During our call, you mentioned that as a follow up to our 11/19 discussion, you and your staff had further reviewed the list of parcels, and relooked at two parcels in particular that we had discussed at length – the two we refer to as Hooshpack and Pankey. You said that although the California Dept. of Fish and Wildlife wanted to take another look at the biological value of these parcels, that the U.S. Fish and Wildlife Service did not see them as acceptable acquisitions. When I asked why they were not acceptable given our preliminary assessment of their biological value and their core PAMA location, you said they were not "threatened" like the Morris Ranch and Mtn. Gate properties, and these two parcels were of high priority for the agencies. When I asked what you meant by threatened, you said that Hooshpack and Pankey are not priority and that you are not worried about them like Morris Ranch or Mt. Gate because neither parcel has significant development potential under the County's General Plan and slopes and terrain didn't make them as viable for development projects. In summary, you said; "[w]e've talked and unless Newland is willing to acquire one of the two options we provided then there will be no hardline".

I expressed my concern that it appeared the agency's focus on these two tentative map projects as the only acceptable offsite acquisition land for Newland appeared to be having one developer buy another developer's approved project to keep them from being developed. You responded your agency is trying to protect threatened habitat and there are lots of ways to do that.

To close our discussion, I reiterated your comment regarding the limitation of Morris Ranch or Mtn. Gate as the only acceptable options, and wanted to be clear whether there was any opening, in your mind, for further discussions on the other parcels. You indicated that there was not.

I indicated I was still willing to explore a potential joint deal on Morris Ranch with the party that Karen Goebel had mentioned in our November 19th meeting. You indicated that the agency had not been able to get in touch with him as of our call but when you did you would ask him to call me.

Please let me know if I properly captured the key points of our conversation as I want to make sure we are still on the same page moving forward.

Best regards,

Newland Sierra, LLC

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U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
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From: Rita Brandin

Sent: Wednesday, November 25, 2015 11:58 AM

To: 'mendel_stewart@fws.gov'

Subject: Our Discussion on Friday afternoon, November 20th

Importance: High

Good morning Mendel:

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To close our discussion, I reiterated your comment regarding the limitation of Morris Ranch or Mtn. Gate as the only acceptable options, and wanted to be clear whether there was any opening, in your mind, for further discussions on the other parcels. You indicated that there was not.

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Please let me know if I properly captured the key points of our conversation as I want to make sure we are still on the same page moving forward.

Best regards,

Rita Brandin Newland Sierra, LLC

From: Rita Brandin

Sent: Thursday, November 19, 2015 10:29 AM

To: mendel_stewart@fws.gov

Cc: Rita Brandin

Subject: FW: Review of Conservation Options for the Newland Sierra Project

Mendel: I realize we are going to discuss this in today's meeting, but I since I didn't see you copied on Karen's e-mail, I wanted to make sure you've seen what she has proposed.

Karen has not provided a "ranking" of all the potential off-site parcels like we requested but has chosen instead to push us on acquiring the two MOST difficult parcels, and the most costly parcels. This does not bode well for what I would have anticipated to be a move in the right direction towards an amicable negotiation/discussion today.

I was very clear in our last meeting, that in order to provide Newland with the ability to get to a good offsite result, that we needed flexibility on both the **percentage achieved and the parcels** - given that there are no guarantees that option agreement discussions will be successful as we make our way through the discussions. However, given Karen's e-mail below, it appears that both of those requests went unheeded as the two agencies met to discuss this.

I understand that the agencies' first priority is the realization of conservation, and that concern about cost to private owners is not something that rises to importance. We are respectful of the agencies' desire which is why we are willing to explore offsite acquisition to get to a hardline agreement. That being said, there ARE financial constraints that end up making projects infeasible that should be considered, and ham-stringing Newland on viable parcel acquisitions that the agencies are willing to accept is not in good faith.

sent the day before meeting

Hopefully there will be an opportunity today to have a broader discussion about this and we can move toward something that is more of a negotiated agreement versus a dictated agreement?

Rita

From: Goebel, Karen [mailto:karen_goebel@fws.gov]

Sent: Wednesday, November 18, 2015 4:54 PM

To: Mark Wardlaw; Rita Brandin

Cc: Albright, Brian; Ed Pert; Sevrens, Gail@Wildlife

Subject: Review of Conservation Options for the Newland Sierra Project

Mark and Rita:

On November 12, 2015, the Department and Service (Wildlife Agencies) met to review and discuss the information and conservation options presented to us during a meeting with the County and the Applicant on November 5, 2015, regarding a potential hard-line agreement for the Newland Sierra project.

In order to move the discussion forward at our next meeting, the Wildlife Agencies have given consideration to the Applicant's effort to increase the value of the Block 3 area for wildlife resources as live in habitat by removing 14 acres of development and reducing the amount of fuel modification necessary in this block of habitat. However, with the present configuration of the residential and commercial development, the Block 3 habitat area remains fragmented, is not connected to the larger block of functional habitat to the north, and is not inclusive of habitat across gradients that would be more conducive to wildlife movement.

Because of these limitations, we will agree to "credit" 1/2 of the total acres (189/2=94.5 acres) to the conservation acreage totals for the project provided that the entire Block 3 area is managed by the County (or other conservation organization) consistent with the goals of the draft North County MSCP. Should future project modifications require grading or fuel modification within Block 3, the acreage credited to the project's agreed to conservation goal would be reduced and additional offsite acreage expected for conservation.

With the agreed to functional block of core habitat to the north (1,024 acres) and the habitat credit acknowledged for Block 3, the conserved onsite acreage would represent 56% of the site (1024+94.5/1985); to reach the draft North County MSCP's 75/25 conservation to impact goal, offsite conservation of an additional 371 acres (1024+94.5+371/1985) would be needed. The conserved acreage offsite needs to include 70 acres of coastal sage scrub (CSS) to meet the 4(d) guidelines, and funding (e.g., endowment) for long-term management and monitoring of all offsite preserved lands (i.e., mitigation) needs to be assured by the Applicant.

The Wildlife Agencies recommend that the Applicant pursue either of the following two alternatives for consideration of a hard-lined agreement for the project.

1) Morris Ranch Property. Conservation of this property is a high priority for the Wildlife Agencies because the anticipated development of this area within the Pre-Approved Mitigation Area (PAMA) will sever connectivity between the Merriam/San Marcos Mountains and the San Luis Rey River. While we understand that the Applicant considered this option as not financially viable, the Wildlife Agencies are aware of efforts to purchase the property and may be able to facilitate inclusion of the Applicant into these discussions.

The Morris Ranch site is approximately 230 acres in size. Full conservation of the site by the Applicant would result in a 66/34 conservation to impact goal for the project and because of this area's importance to the draft North Count MSCP, the Wildlife Agencies would agree to a hard-line agreement even at this lower conservation to impact ratio. If the property was purchased in coordination with another entity, the Wildlife Agencies would need to determine the amount of additional offsite acreage that may or may not be needed for a hard-line agreement. We understand that any purchase at this site represents greater risk for the Applicant; however, this is the property that will bring the Applicant greatest support from the Wildlife Agencies, and its conservation could potentially gain support for the project from other conservation groups.

2) Mountain Gate. Conservation of the Mountain Gate property is of interest to the Wildlife Agencies because of its overall size and location (mostly PAMA) within the Draft North County MSCP. Conservation of 371 acres of this site would result in a 75/25 conservation to impact goal for the project. With conservation of this acreage, the Wildlife Agencies would agree to a hard-line agreement for the project provided that the site is

confirmed by the Wildlife Agencies to include at least 70 acres of coastal sage scrub and the entire acreage is guaranteed for purchase. For example, to reduce the risk of the entire option failing, the Applicant would need to guarantee to assist The Escondido Conservancy (TEC) with purchase of any remaining acreage TEC is unable to secure funds to purchase.

Finally, the total acreage and habitat composition for the Mountain Gate habitat block needs confirmation. We have information stating the total acreage of the site is 692.8 acres, while the information provided for our review indicates a total acreage of only 558 acres, including 113 acres of CSS. We have information indicating only 17.4 acres of CSS on the Mountain Gate site, including 5 acres within an SDG&E easement that could not be included as mitigation for the Newland Sierra project.

Again, we are providing this information in advance in hopes that it will lead to a productive meeting tomorrow. We look forward to seeing you then. Please forward on to others on your teams as I have not copied everyone at the last meeting.

Sincerely,

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax

CONFIDENTIALITY NOTICE: This e-mail may contain confidential or privileged material which is intended for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete the message and any attachments from your computer.

From: Goebel, Karen <karen_goebel@fws.gov>
Sent: Wednesday, November 18, 2015 4:54 PM

To: Mark Wardlaw; Rita Brandin

Cc: Albright, Brian; Ed Pert; Sevrens, Gail@Wildlife

Subject: Review of Conservation Options for the Newland Sierra Project

Mark and Rita:

On November 12, 2015, the Department and Service (Wildlife Agencies) met to review and discuss the information and conservation options presented to us during a meeting with the County and the Applicant on November 5, 2015, regarding a potential hard-line agreement for the Newland Sierra project.

Sent the day to

In order to move the discussion forward at our next meeting, the Wildlife Agencies have given consideration to the Applicant's effort to increase the value of the Block 3 area for wildlife resources as live in habitat by removing 14 acres of development and reducing the amount of fuel modification necessary in this block of habitat. However, with the present configuration of the residential and commercial development, the Block 3 habitat area remains fragmented, is not connected to the larger block of functional habitat to the north, and is not inclusive of habitat across gradients that would be more conducive to wildlife movement.

Because of these limitations, we will agree to "credit" 1/2 of the total acres (189/2=94.5 acres) to the conservation acreage totals for the project provided that the entire Block 3 area is managed by the County (or other conservation organization) consistent with the goals of the draft North County MSCP. Should future project modifications require grading or fuel modification within Block 3, the acreage credited to the project's agreed to conservation goal would be reduced and additional offsite acreage expected for conservation.

With the agreed to functional block of core habitat to the north (1,024 acres) and the habitat credit acknowledged for Block 3, the conserved onsite acreage would represent 56% of the site (1024+94.5/1985); to reach the draft North County MSCP's 75/25 conservation to impact goal, offsite conservation of an additional 371 acres (1024+94.5+371/1985) would be needed. The conserved acreage offsite needs to include 70 acres of coastal sage scrub (CSS) to meet the 4(d) guidelines, and funding (e.g., endowment) for long-term management and monitoring of all offsite preserved lands (i.e., mitigation) needs to be assured by the Applicant.

The Wildlife Agencies recommend that the Applicant pursue either of the following two alternatives for consideration of a hard-lined agreement for the project.

1) Morris Ranch Property. Conservation of this property is a high priority for the Wildlife Agencies because the anticipated development of this area within the Pre-Approved Mitigation Area (PAMA) will sever connectivity between the Merriam/San Marcos Mountains and the San Luis Rey River. While we understand that the Applicant considered this option as not financially viable, the Wildlife Agencies are aware of efforts to purchase the property and may be able to facilitate inclusion of the Applicant into these discussions.

The Morris Ranch site is approximately 230 acres in size. Full conservation of the site by the Applicant would result in a 66/34 conservation to impact goal for the project and because of this area's importance to the draft North Count MSCP, the Wildlife Agencies would agree to a hard-line agreement even at this lower conservation to impact ratio. If the property was purchased in coordination with another entity, the Wildlife Agencies would need to determine the amount of additional offsite acreage that may or may not be needed for a hard-line agreement. We understand that any purchase at this site represents greater risk for the Applicant; however, this is the property that will bring the Applicant greatest support from the Wildlife Agencies, and its conservation could potentially gain support for the project from other conservation groups.

2) Mountain Gate. Conservation of the Mountain Gate property is of interest to the Wildlife Agencies because of its overall size and location (mostly PAMA) within the Draft North County MSCP. Conservation of 371 acres of this site would result in a 75/25 conservation to impact goal for the project. With conservation of this acreage, the Wildlife Agencies would agree to a hard-line agreement for the project provided that the site is confirmed by the Wildlife Agencies to include at least 70 acres of coastal sage scrub and the entire acreage is guaranteed for purchase. For example, to reduce the risk of the entire option failing, the Applicant would need to guarantee to assist The Escondido Conservancy (TEC) with purchase of any remaining acreage TEC is unable to secure funds to purchase.

Finally, the total acreage and habitat composition for the Mountain Gate habitat block needs confirmation. We have information stating the total acreage of the site is 692.8 acres, while the information provided for our review indicates a total acreage of only 558 acres, including 113 acres of CSS. We have information indicating only 17.4 acres of CSS on the Mountain Gate site, including 5 acres within an SDG&E easement that could not be included as mitigation for the Newland Sierra project.

Again, we are providing this information in advance in hopes that it will lead to a productive meeting tomorrow. We look forward to seeing you then. Please forward on to others on your teams as I have not copied everyone at the last meeting.

Sincere	v.
CHILDELE	12

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax

From:

Rita Brandin

Sent:

Wednesday, September 9, 2015 2:54 PM

To:

Brian Grover (bgrover@dudek.com); 'brice@bosslergroup.com'

Subject:

FW: Newland Sierra Proposed Project Alternative

Attachments:

Newland MSCP Alternative.jpg

Need to look at this and have a conversation this afternoon --- I am available any time ---

From: Gungle, Ashley [mailto:Ashley.Gungle@sdcounty.ca.gov]

Sent: Wednesday, September 09, 2015 2:28 PM To: Rita Brandin; brice@bosslergroup.com

Cc: Slovick, Mark

Subject: FW: Newland Sierra Proposed Project Alternative

Rita, Brice,

The following was received this afternoon.

Thanks,

Ashley

Ashley Gungle, Land Use/ Environmental Planner COUNTY OF SAN DIEGO | Planning & Development Services T. 858.495.5375

From: "Goebel, Karen" <karen goebel@fws.gov>

To: "Wardlaw, Mark" < Mark. Wardlaw@sdcounty.ca.gov>

Cc: "Ed Pert" <Ed.Pert@wildlife.ca.gov>, "Mendel Stewart" <mendel stewart@fws.gov>

Subject: Newland Sierra Proposed Project Alternative

Hi Mark.

As promised, we have attached a map depicting a proposed alternative for the Newland Sierra project that gets us closer to the 75/25 conservation to development goals of the draft North County Plan under the MSCP. We have made a sincere effort to listen to the project proponent's desire to maintain their commercial center and considered topography of the site in development of this alternative.

The proposed alternative reduces development by about 106 acres to address our prior concerns and specifically minimizes edge effects, increases functionality of core wildlife habitat areas, allows wildlife connectivity across the site and to the south, and provides a range in topographical gradients to support live in habitat and wildlife movement. As noted on the map, we would also like to discuss alternative access routes and incorporation of wildlife movement features into the roadway design.

With these changes the project will achieve a 68/32 conservation to development ratio. The anticipated offsite mitigation of coastal sage scrub will move the project closer to achieving the

75/25 goal of the draft North County Plan. Offsite mitigation should be located within the Pre-Approved Mitigation Area of the draft North County Plan and contribute to the San Marcos-Merriam Mountain Core (Planning Unit 9).

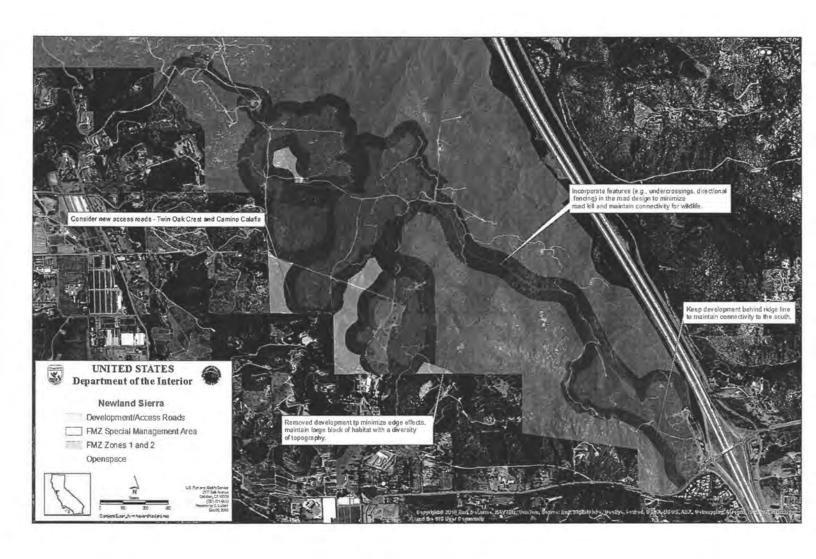
We look forward to our meeting tomorrow to discuss this proposed alternative and its potential to achieve our support for a proposed hardline agreement for inclusion in the draft North County plan.

Sincerely,

Karen

Karen Goebel Assistant Field Supervisor Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 760/431-9440, ext. 296 760/431-9624 Fax





Monthly Batching Meeting With U.S Fish and Wildlife Service and Department of Fish and Game

Date: August 18, 2016

Project Name: Newland Sierra

Project Number:

Name of Note Taker: Kimberly Davis

Name of County Staff Presenting Case: Mark Slovick

Name of USFWS Staff: Doreen Stadtlander, Becca Reeves, Emily Cate

Name of CDFG Staff: Dave Mayer

Other Attendees: County staff: Alex Elias, Darin Neufeld, Kimberly Davis

Reason for Agenda Item:

The purpose of the meeting was to inform the agencies that a draft EIR will be out for public review soon. The biological technical report is almost complete and will be submitted to agencies for review within 4 weeks (and before public review); the applicant will request either an HLP or a Section 7 consultation. Numerous meetings discussing this project have been held and the agencies have previously been provided biological information including survey results.

Discussion:

- Were there specific concerns raised by the USFWS?
 - · Were there update CAGN surveys?
 - Uncertainty regarding a project of this size and effect on the PAMA being appropriate for the HLP process, i.e. it may not fit into the 4d category. Section 10 permit is an option should incidental take authorization be needed
 - Request agency opportunity for review/coordination before public draft
 - Although this is a batching meeting, HLP findings were not provided prior to the today's meeting and are not being reviewed.
 - County indicated that the issue of an HLP had been discussed with the USFWS (Karen Goebel) at previous meetings and that Karen stated that while she was not being "predecisional" she did not know of any reason the findings could not be made. Will need to follow up on comments made regarding HLP with Karen G. when she returns
- 3. Were there specific concerns raised by DFG?

- · Question of off-site mitigation for CSS
- Request 75%/25% conservation consistent with NC MSCP, or additional lands conserved in PAMA to reach the 75%
- Open space is fragmented
- Require better discussion for how project is consistent with NC MSCP preserve
- Connectivity will be precluded
- Were determinations made? County to check date of last California gnatcatcher surveys. Last surveys were conducted in 2013.
- Does the project need to be presented at a subsequent batching meeting? No, the biological technical report and HLP findings will be provided to the agencies prior to public review.

EXHIBIT D



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008



In Reply Refer To; FWS-SDG-15B0150-15CPA0175

MAR 1 2 2015

Mr. Mark Slovick County of San Diego Department of Planning and Development Services 5510 Overland Avenue, Suite 110 San Diego, California 92123

Subject: Notice of Preparation of an Environmental Impact Report for the Newland Sierra Project,

Unincorporated San Diego County, California

Dear Mr. Slovick:

We have reviewed the subject Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), dated February 12, 2015, which we received on March 5, 2015. The proposed Newland Sierra project encompasses 1,985 acres located west of Interstate 15, north of Deer Springs Road, and east of Twin Oaks Valley Road within unincorporated San Diego County (County). The proposed project would include the development of a new master planned community consisting of 2,135 homes, general commercial uses, school site, 37 acres of parks, and 1,202 acres of biological open space. In addition, the project would include an extensive trail system consisting of: 7.1 miles of multi-purpose pathways along the main road; 8.7 miles of internal pathways and trails within neighborhoods; and 3.3 miles of trails through the open space areas (2 miles of multi-purpose trail and 1.3 miles of secondary trails).

The primary concern and mandate of the U.S. Fish and Wildlife Service (Service) is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c). Our comments are based on the information provided in the NOP, our knowledge of sensitive and declining vegetation communities in the County, and our participation in regional conservation planning efforts.

One of our primary concerns is the potential impacts of the proposed project to assembling a subregional preserve system. The proposed project site is located within the planning area for the North County Multiple Species Conservation Program (NCMSCP). The NCMSCP is a comprehensive habitat conservation planning program that attempts to preserve native habitats for a multitude of sensitive species for which the County, Service, and California Department of Fish and Wildlife entered into a Planning Agreement (Revised and Amended May 12, 2014). The proposed project site and areas to the north, south, east, and west are identified as "Pre-approved Mitigation Area" (PAMA) in the draft NCMSCP plan. More specifically, the proposed project site is located

within Planning Unit 9 (San Marcos-Merriam Mountains Core Area) and represents one (Merriam Mountains) of only two remaining large blocks of natural habitat west of Interstate 15 in the PAMA. In addition, the habitat evaluation maps of the County's draft NCMSCP plan indicates that habitats on and adjacent to the project site are "moderate", "high", and "very high" habitat quality.

To ensure that the proposed project is consistent with the conservation goals of the draft NCMSCP as well as Planning Unit 9 of the draft PAMA, we recommend that the DEIR fully analyze a project alternative that would remove the three development bubbles identified as Towncenter, Terraces, and Hillside (see Figure 1 which was provided to us by the County) and associated access roads. The redesign would 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 thereby contributing to assemblage of the San Marcos-Merriam Mountains Core Area, and maintain connectivity between on and offsite areas designated as draft PAMA and to other conservation efforts outside the NCMSCP planning area. To further assist you in evaluating the proposed project, we have provided the enclosed recommendations for inclusion in the DEIR.

We appreciate the opportunity to comment on the subject NOP and request that a copy of the DEIR be provided to our office upon its release. If you have any questions regarding this letter or require additional information, please contact Michelle Durflinger of our office at 760-431-9440, extension 356.

Sincerely,

Karen A. Goebel
 Assistant Field Supervisor

Enclosure

ce: David Mayer, California Department of Fish and Wildlife, San Diego, California



Figure 1. Newland Serra Conformed Plan. Provided by San Diego County

ENCLOSURE

To assist our review of the project and to assist the County in compliance with pertinent Federal statutes and laws, we recommend that the DEIR for the proposed Newland Sierra project contain the following information.

- 1. A complete discussion of the purpose and need for, and description of, the proposed project, including all ancillary facilities, staging areas, and access routes to the construction and staging areas.
- 2. A complete analysis of the effect that the project may have on completion and implementation of regional and/or subregional conservation programs including the County of San Diego's draft North County MSCP. We recommend that the County ensure that the development of this and other proposed projects do not preclude long-term preserve planning options.
- 3. A complete list and assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying federally listed threatened, endangered, or proposed candidate species, and any locally unique species and sensitive habitats. Specifically, the DEIR should include:
 - a. Discussions regarding the regional setting 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 associated with each habitat type on site and within the area of impact.
 - c. A thorough assessment of rare plants and rare natural communities.
 - d. A current inventory of rare, threatened, and endangered species on site and within the area of impact.
 - e. Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area of impact on those species, using acceptable species-specific survey procedures as determined through consultation with the Service and the California Department of Fish and Wildlife, collectively 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.
- 4. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. All facets of the project should be included in this assessment. Specifically, the DEIR should provide:
 - a. Specific acreage and descriptions of the types of wetlands, scrub, and other sensitive habitats that will or may 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 the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.
- c. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any proposed Natural Community Conservation Planning (NCCP) protected lands.
 - i) Impacts to wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated.
 - ii) 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.
- d. Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development project and natural habitats. 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.
- 5. A thorough discussion of mitigation measures for adverse project-related impacts on sensitive plants, animals, and habitats. Specifically, the DEIR should include/address:
 - a. Where avoidance is infeasible, mitigation measures that emphasize minimization of project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable (e.g., it would not adequately mitigate the loss of biological functions and values), offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
 - b. 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 onsite and downstream habitats.
 - c. 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.

- d. A requirement that a County-approved 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, and responsibility, 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 County and the Wildlife Agencies.
- e. Plans for restoration and revegetation, to 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 (e.g., percent cover of native and nonnative species; species richness); (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.
- 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. 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 offsite 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 similar analysis 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 County and Wildlife Agencies for review and approval prior to initiating construction activities; the resulting final plan should be submitted to the County and Wildlife Agencies and the funds for implementing the MMP transferred within 90 days of receiving approval of the draft plan.

h. To avoid impacts to nesting birds, the DEIR should require that all clearing and grubbing occur outside the avian breeding season. The general breeding season for nesting birds occurs approximately February 15 through September 15; however, raptors may begin breeding as early as January 1. If project construction is necessary during the avian breeding season, a qualified biologist should conduct a survey for nesting birds within 3 days prior to the work in the area to ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer shall be a minimum width of 300 feet (500 feet for raptors), shall be delineated by temporary fencing, and shall remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be affected by the construction.

EXHIBIT E



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor CHARLTON H. BONHAM, Director



March 12, 2015

Mr. Mark Slovick
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123-1239
mark.slovick@sdcounty.ca.gov

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 abovereferenced 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).

Mr. Mark Slovick County of San Diego, Planning & Development Services March 12, 2015 Page 2 of 3

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 multipurpose 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

Mr. Mark Slovick County of San Diego, Planning & Development Services March 12, 2015 Page 3 of 3

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. Sevrens

Environmental Program Manager

South Coast Region

Enclosure: (9 pages)

ec: State Clearinghouse, Sacramento

Karen A. Goebel, U.S. Fish and Wildlife Service (Karen Goebel@fws.gov)

Mindy Fogg, County of San Diego (Mindy.Fogg@sdcounty.ca.gov)
Eric Lardy, County of San Diego (Eric.Lardy@sdcounty.ca.gov)

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-1 of E-9

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.

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-2 of E-9

- 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.

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-3 of E-9

- 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. Section10.13). 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 birds 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.

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-4 of E-9

- 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

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-5 of E-9 to access and elimin

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 scrubdependent 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.

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-6 of E-9

- 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

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-7 of E-9

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

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-8 of E-9

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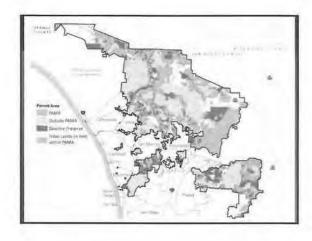
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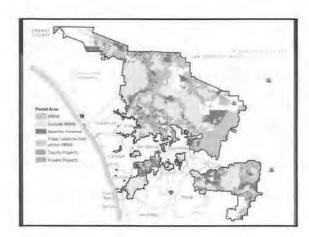
¹ A notification package for a SAA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

Mr. Mark Slovick County of San Diego March 11, 2015 Page E-9 of E-9

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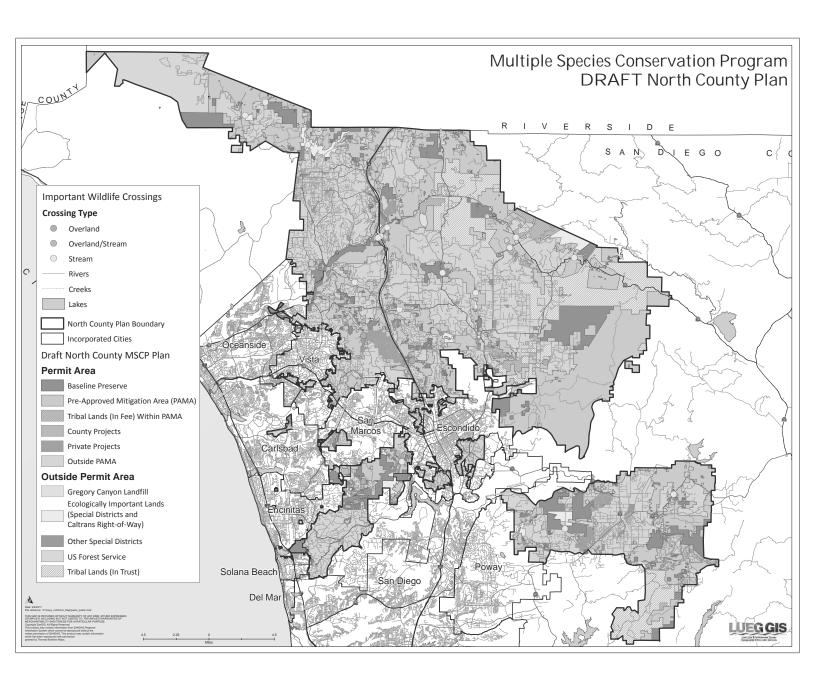
EXHIBIT F





t) maked	Assessed (Consultation Bounding from MCIditio Assessing
	Approved/Concurrence Pending from Wildlife Agencies Butterfield Trails Ranch
	Campus Park West
	Meadewood
	Orchard Run
	Cumming Ranch
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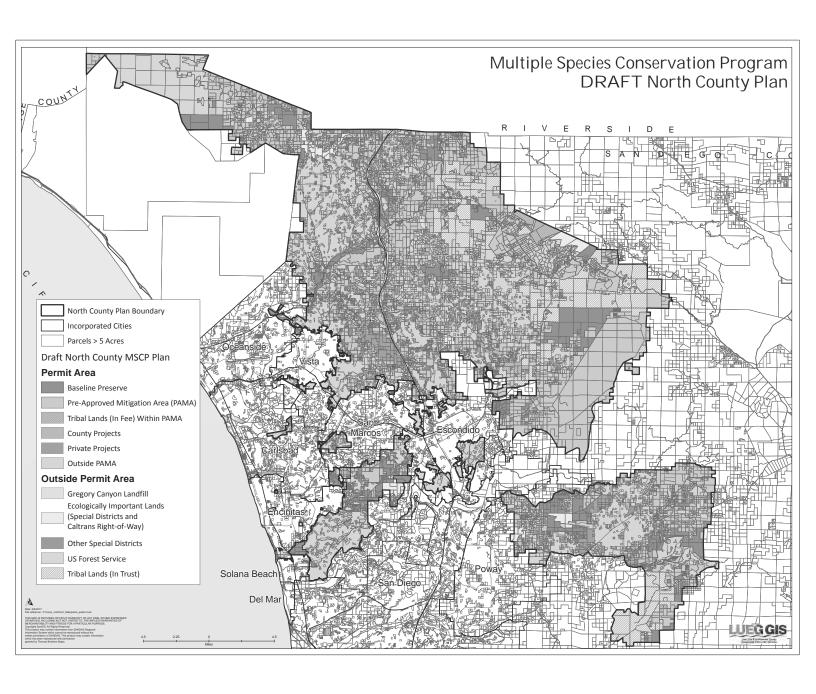


EXHIBIT G

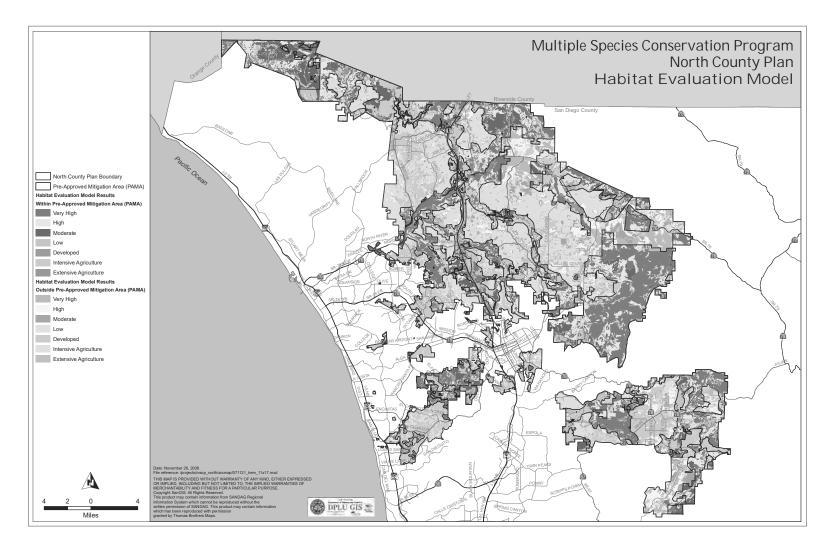


EXHIBIT H

MERRIAM MOUNTAINS SPECIFIC PLAN

APPENDIX V

HARDLINE POINTS OF AGREEMENT

GPA 04-06; SP 04-006; R04-013; VTM5381; S04-035, S04-036, S04-037, S04-038; Log No. 04-08-028; SCH No. 2004091166

for the

DRAFT ENVIRONMENTAL IMPACT REPORT

August 2007

MERRIAM MOUNTAINS SPECIFIC PLAN

HARDLINE POINTS OF AGREEMENT

September 2005



Points of Agreement of September 20, 2005 For the Merriam Mountains Project (SP04-006, FWS/CSFG-SDG-4514.1)

A meeting was held on September 20, 2005 to discuss and agree to basic project and preserve designs and MSCP hardlines for the Merriam Mountains project ("Merriam" or "Project"), including the Specific Plan and any approvals required to implement the Specific Plan. The applicant, NNP-Stonegate Merriam, LLC ("Stonegate"), presented a draft alternative referred to as the September 20, 2005 "All South" development plan ("All South Plan"), for review by the U.S. Fish and Wildlife Service, Department of Fish and Game (collectively "Wildlife Agencies"), and County of San Diego staff ("County Staff") and to facilitate discussion and concurrence on the following Points of Agreement.

Summary of Fundamental Points of Agreement

- A. County Staff and the Wildlife Agencies concur with the hardlines presented in the All South Plan, including location of a portion of the Merriam trail system in the preserve area to be described in the Merriam habitat management plan;
- B. The Wildlife Agencies agree to consider the Captains' Associates parcel as adequate MSCP mitigation for CSS impacts resulting from the All South Plan;
- C. County Staff and the Wildlife Agencies agree to cooperate in processing an HLP, if necessary, that will not require further avoidance of CSS habitat impacts currently shown on the All South Plan; and
- D. County Staff agrees to address the County RPO in a way that allows the All South Plan to proceed as proposed in the interest of creating an ecologically superior plan.

-Specifically, the Wildlife Agencies and County Staff agree to the following points:

MSCP/4(d) Compliance

- County Staff and the Wildlife Agencies concur with the All South Plan as the agreed-upon hardline for Project and agree to proceed with the MSCP analysis using the hardline shown on the All South Plan;
- County Staff and the Wildlife Agencies concur that a portion of the Merriam trail system
 may be located within designated biological open space (the MSCP preserve) and is a
 compatible use within the MSCP. The trail system will be designed to County joint use
 standards and will be presented to County Staff and the Wildlife Agencies for review;
- Impacts to California gnatcatchers on the southeastern portion of the Project will be fully mitigated by purchase of the offsite Captains' Associates property as referenced in the Wildlife Agencies' July 13, 2005 letter; and

Points of Agreement Merriam Specific Plan September 27, 2005 Page 2

4. Should the Project be approved prior to issuance of MSCP permits, the County and the Wildlife Agencies will process an HLP to be included as a discretionary action in the Merriam EIR (with HLP findings included in the EIR). While it is understood that the Service cannot provide pre-decisional permit assurances as it pertains to 4(d) or Section 7 processes, the Wildlife Agencies will take into consideration that the Captains' Associates property satisfies mitigation requirements for impacts to CSS under the MSCP. The Wildlife Agencies further agree not to require further avoidance of CSS habitat other than that shown in the All South Plan.

Mitigation for Impacts to Biological Resources

- MSCP/4(d) compliance will constitute full mitigation for direct, indirect and cumulative impacts with respect to sensitive habitats, sensitive species, and preserve design; and
- 2. The Wildlife Agencies will acknowledge in writing their acceptance of the All South Plan preserve design as full mitigation for all biological impacts and will not propose or recommend additional avoidance or minimization of impacts to wetland (jurisdictional) or other resources when future wetland permits (CDFG Streambed Alteration Agreement, ACOE 404, RWQCB 401) are submitted and processed for the Project. The Department of Fish and Game agrees specifically not to require further avoidance measures during processing of al 602 Streambed Alteration Agreement for the Project.

RPO Compliance

- County Staff and the Wildlife Agencies agree that the All South Plan is not feasible to
 implement if the County RPO is strictly applied to areas outside of the designated biological
 open space (the MSCP preserve). Amendment of the RPO or allowance of an exemption for
 the Project is necessary to implement the All South Plan.
- County Staff will support amendment of the RPO to allow impacts to RPO jurisdictional
 features (sensitive habitat, wetlands, slopes, cultural resources, floodplains) when such
 impacts allow a design that provides ecological benefits superior to a design that strictly
 complies with the RPO.
- County Staff will support findings that impacts to RPO jurisdictional features resulting from the All South Plan are necessary to enhance the overall conservation values of the Project and to provide superior ecological benefits;
- County Staff will submit the proposed amendment to the RPO for formal review and approval as soon as possible after execution of this Agreement.

GP 2020

- County Staff concur that the All South Plan, including dwelling units, density, and proposed commercial uses, is consistent with GP 2020 and will be incorporated into the Staff Alternative of the GP 2020 Working Copy;
- 2. Project processing will not be delayed during preparation of GP 2020; and

Points of Agreement Merriam Specific Plan September 27, 2005 Page 3

County Staff and the Wildlife Agencies will not support any reduction in density or intensity
in the All South Plan without a corresponding reduction in the size of the biological open
space.

Wildlife Agencies' Requests

- A fire management plan for the Project, including amount and location of fire management buffers, will be presented to County Staff and the Wildlife Agencies once the plan is approved by the Fire Marshall; and
- 2. The Wildlife Agencies recognize and accept the fire roads through the biological preserve as proposed, but strongly encourage the County to develop a biologically superior access plan utilizing existing private roads through the private property to the west of the All South Development Area and to also eliminate the access to Lawrence Welk Drive.

If, by November 15, 2005, the County is successful in obtaining the necessary access rights, the alternative plan is acceptable to the Deer Springs Fire District Fire Marshall and the San Diego County Fire Marshall, and the costs to permit and construct the alternative road are not increased from the currently proposed road, the applicant agrees to amend its plan and construct the access along this alternative route.

Meeting Participants

Therese O'Rourke, Susan Wynn, U.S. Fish and Wildlife Service; Larry Eng, David Mayer, Department of Fish and Game; Tom Oberbauer, County of San Diego; Joe Perring, Stonegate Development; June Collins, Elizabeth Candela, Dudek; Eric Armstrong, Bob Chase, Fuscoe Engineering; Brice Bossler, The Bossler Group; Michael McCollum, McCollum Associates.

Concurrence Initials

COUNTY OF SAN DIEGO		NNP-STONEGATE MERRIAM, LLC By: Stonegate Megriam Mountains, LLC	
Ву:		$\alpha \phi$.	
* *		by: Che Texture Joe Perring, Vice President Project Manager	
Date:		Date:	
U.S. FISH & WILDLIFE SERVICE		DEPARTMENT OF FISH & GAME	
Ву:	y	By:	
Date:	>.	Date:	

CVAG

10/11/2005 19:31

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MOCOLLUM ASSOCIATES

PAGE BA

Points of Agreement Merriam Specific Plan September 27, 2005 Page 3

- 2. Project processing will not be delayed during preparation of GP 2020; and
- County Staff and the Wildlife Agencies will not support any reduction in density or intensity
 in the All South Plan without a corresponding reduction in the size of the biological open
 space.

Wildlife Agencies' Requests

- All fire management buffers for the Project will be located outside the biological open space. The fire management plan, including amount and location of fire management buffers within the development area, will be presented to County Staff and the Wildlife Agencies once the plan is approved by the Fire Marshall; and
- 2. The Wildlife Agencies recognize and accept the fire roads through the biological preserve as proposed, but strongly encourage the County to develop a biologically superior access plan utilizing existing private roads through the private property to the west of the All South Development Area and to also eliminate the access to Lawrence Welk Drive.

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Meeting Participants

Consumence Initials

Therese O'Rourke, Susan Wynn, U.S. Fish and Wildlife Service; Larry Eng, David Mayer, Department of Fish and Game; Tora Oberbauer, County of San Diego; Joe Perring, Stonegate Development; June Collins, Elizabeth Candela, Dudek; Eric Armstrong, Bob Chase, Fuscoe Engineering; Brice Bossler, The Bossler Group; Michael McCollum, McCollum Associates.

COUNTY OF SAN DIEGO

NNP-STONEGATE MERRIAM, LLC
By: Stonegate Merriam Mountains, LLC
By: Stonegate Merriam Mountains, LLC
By: Goe Perving, Vice President
Project Manager

Date: Date: Department of Fish & Game

By: Luck Foul By:
Date: Date: Date:

Points of Agreement Merriam Specific Plan September 27, 2005 Page 3

- 2. Project processing will not be delayed during preparation of GP 2020; and
- County Staff and the Wildlife Agencies will not support any reduction in density or intensity in the All South Plan without a corresponding reduction in the size of the biological open space.

Wildlife Agencies' Requests

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Meeting Participants

Concurrence Initials

Therese O'Rourke, Susan Wynn, U.S. Fish and Wildlife Service; Larry Eng, David Mayer, Department of Fish and Game; Tom Oberbauer, County of San Diego; Joe Perring, Stonegate Development; June Collins, Elizabeth Candela, Dudek: Eric Armstrong, Bob Chase, Fuscoe Engineering; Brice Bossler, The Bossler Group; Michael McCollum, McCollum Associates.

COUNTY OF SAN DIEGO

NNP-STONEGATE MERRIAM, LLC
By: Stonegate Merriam Mountains, LLC

44947\21459345

Date:

Joe Perring

From: Michael McCollum [mccollum@mccollum.com]

Sent: Wednesday, October 12, 2005 12:34 PM

To: Larry Eng
Cc: Joe Perring

Subject: Merriam Points of Agreement

Larry:

To further clarify the language in the Points of Agreement of September 20, 2005, on page 2, under the heading "Mitigation for Impacts to Biological Resources", bullet 2:

It is the intent of this language that any mitigation measures associated with the 1602 agreement process, not result in moving roads, units, or facilities, or any other avoidance or minimization measure that results in the need to redesign the project. We acknowledge that normal mitigation measures will be required to achieve no net loss of Department jurisdictional wetland resources resulting from any project impacts, including, as appropriate, recognition of preserved wetlands within the biological open space.

We prefer not to make changes to the Points of Agreement, since the Service and my client have already signed it, and we believe the existing language speaks only to the avoidance issue, not specific mitigation for impacts; however, this message will make it clear of the agreement's intent.

I would appreciate it if you would fax back to me today the signature page with your signature, and send your original signature to me via U.S. Mail at your convenience.

Thank you for your assistance in concluding this process.

Mike

McCollum Associates 10196 Clover Ranch Drive Sacramento, CA 95829-6574 (916) 688-2040 * Fax (916) 688-7436 www.mccollum.com

TRI Commercial Real Estate Services www.mccollum.com/tri

GARY L. PRYOR DIRECTOR



DEPARTMENT OF PLANNING AND LAND USE

\$201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666 INFORMATION (858) 694-2960 TOLL FREE (800) 411-0017 SAN MARCOS OFFICE 338 VIA VERA CRUZ - SUITE 201 SAN MARCOS, CA 92069-2620 (760) 471-0730

EL CAJON OFFICE 200 EAST MAIN ST. - SIXTH FLOOR EL CAJON, CA 92020-3912 (619) 441-4030

November 1, 2005

Mr. Joseph Perring 27071 Cabot Road, Suite 106 Laguna Hills, California 92653

Dear Mr. Perring:

This letter is in regards to your request to establish a "hard-line" area within the North County Multiple Species Conservation Plan (MSCP) for the Merriam Project.

For MSCP purposes, the Department of Planning and Land Use supports your current proposal to eliminate the northern development node. This represents a significant step forward in implementing the North County Plan. Furthermore, DPLU will continue to work cooperatively and aggressively with the wildlife agencies to address any remaining issues in the southern portions of the site and complete the "hard-line" approval.

We look forward to continuing to work with you and your team on this project.

Sincerely,

IVAN HOLLER, Deputy Director

Department of Planning and Land Use

IH:clc

cc: File





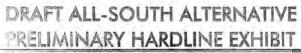
BIOLOGICAL OPEN SPACE - 1305 AC



NATURAL PARK - 14 AC



OTHER OPEN SPACE - 178 AC



MERRIAM MOUNTAINS

SEPT 20, 2005



EXHIBIT I

Honoring the MSCP:

Correcting the Record

Endangered Habitats League (EHL) wishes to respond to a matrix titled *Honoring the MSCP*, which was submitted to the US Fish and Wildlife Service and enumerates perceived problems in how the Carlsbad Field Station is handing matters relating to the MSCP. EHL has been a stakeholder from the outset in this precedent setting effort.

We believe that the authors of this matrix – also long-term stakeholders – share a mutual commitment to the MSCP and its successful implementation. That said, we are compelled to correct the many factual errors in its assertions.

More troubling to us than the factual errors is the ascribing of bad motives to Carlsbad, through the use of terms such as "bad faith," "disingenuous," "undermine," "anti-growth agenda," and "pretext." Based upon our decades of close work with the Carlsbad personnel, we categorically reject these characterizations. While all parties will at times disagree with FWS judgments or methods—and the need for self examination and improvement is universal among us—we instead find at Carlsbad same mutual commitment to the MSCP as well as honest collaboration.

There is no question that we collectively face challenges to the MSCP, in all the locations referenced. We call for a new round of creative problem solving by stakeholders and agencies alike—the same successful problem solving that led to MSCP adoption over 20 years ago.

This response will track the original matrix.

Honoring assurances

V13/Golden Eagle

See below

V14

Assertions are false: The MSCP anticipates and indeed *requires* FWS to use the CEQA process to comment on MSCP-related projects. In numerous sections (e.g., 1.15, 1.4, 4.2.3) CEQA is specified as a vehicle for notice and comment. CEQA is therefore a *fully* appropriate venue for the FWS to provide input on MSCP consistency. Furthermore, from the public's perspective, the CEQA process is the *only* accountable and publicly available way to access and participate in MSCP implementation. Continued such use of CEQA by the wildlife agencies is essential. Specific sections of the Subarea Plan follow:

4.3.1. The Process for County Review and Mitigation Within the Metro-Lakeside-Jamul Segment

The Wildlife Agencies shall fulfill their responsibilities to comment on projects as specified under CEQA and pursuant to their statutory authority under the Federal and State Endangered Species Acts and other applicable state and federal laws and regulations.

Section 4.3.2.1 Wildlife Agencies' Role in Project Compliance

The Wildlife Agencies intend to provide comments on specific projects pursuant to their trustee responsibilities and to their statutory authority under the State and Federal laws during the CEQA process.

Regarding the golden eagle, FWS has constructively sought the cooperation of the County and landowners in scientifically examining MSCP adaptive management monitoring data collected by USGS. We are disappointed that these other parties have not, to our knowledge, reciprocated in kind. More specifically, FWS has repeatedly stated that *no determination* has been made as to whether eagle coverage under the MSCP remains biologically valid in light of the monitoring data. It is also important to note that the V14 applicant has proposed not honoring the terms of the Baldwin Agreement, which is part of the MSCP Subarea Plan and Otay Ranch development agreements (and which FWS has respected numerous times where it benefits development interests).

Newland Sierra

Assertions are false: There is no existing "hardline" for this project. When the former project on the Merriam Mountains site was denied by the Board of Supervisors, the site reverted to PAMA. This understanding between the County and the wildlife agencies is documented in draft meeting notes, dated January 23, 2014, as follows:

Background (Merriam Mountains Project)

- a. Mark Slovick summarized the project attributes and hardline that had been established for the Merriam Mountains project, which was denied by the Board of Supervisors in 2010.
- b. After denial, the project revered to PAMA (Pre-approved Mitigation Area in the the draft NC Plan.

In addition, the fact that any subsequent hardline remained to be negotiated is documented in the NOP comments from the California Dept. of Fish and Wildlife (letter of March 11, 2015 to County of San Diego):

- 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;

Fanita Ranch

Assertions are false: Fanita's prior hardline was mooted—by the property owner—when the Fanita Ranch ownership (American General) opted to sell the required Fanita Ranch offsite mitigation to the City of San Diego. Subsequent Fanita Ranch owners chose not to provide the alternative off site mitigation that FWS had offered as an alternative to the original (American General) mitigation package. No other hardline plan has ever been "approved" by the wildlife agencies. In addition, the most recent (Barrett American) project was rejected by the courts as a result of CEQA litigation, and the planning process restarted. In this context, it is our observation that all parties have been treating the site as a "clean slate" from which to re-plan both conservation and development.

Lack of good faith negotiations

Assertions are false: The Village 13 project *never* obtained an agreement, formal or informal, from FWS on the QCB. FWS CEQA comments make it abundantly clear that the footprint discussions were solely in the context of a *regional* quino plan rather than in the DEIR's context of a stand-alone, project-specific proposal. The latter is far more limited in flexibility. The matrix neglects this vital distinction. In any case, from the public's point of view, and as a legal matter, the DEIR presents alternatives for *comment and consideration* rather than final decisions.

Village 14 land exchange

Assertions are false: The applicant pursued a land exchange at its own risk. It was denied by the California Department of Fish and Wildlife rather than FWS *per se*. EHL's scientific analysis showed the exchange was neither biologically sound nor advantageous to the golden eagle.

Newland Sierra

See above discussion.

Fanita Ranch

See above discussion.

Communications and actions in breach of MSCP

Villages 13 and 14

Assertions are false. See above discussion of CEQA comment responsibilities.

Newland Sierra

Assertions are false: The wildlife agencies have historically and appropriately met public trust responsibilities by commenting during the CEQA process. This is essential for a public process whose fundamental purpose is disclosure. Otherwise, decision-making occurs in a back room inaccessible to the public at large. Furthermore, the Planning Agreement for the North County MSCP specifically identifies formal CEQA comments from FWS as *one* means for FWS to provide input to the lead agency on plan conformity, mitigation, etc.

Exhibit B to the Planning Agreement for North and East County: Interim Review Process:

The Interim Review Process also ensures early review and consideration of proposed discretionary projects and annexations by the Wildlife Agencies. With respect to discretionary projects and annexations which may have the potential to preclude long-term preservation planning or impact the viability of biological resources, the Wildlife Agencies commit to meet with the County and/or project proponent at the earliest feasible point in the CEQA or NEPA process to review such projects. Early identification of potential impacts will assist in the preparation of environmental documents for the project and provide the opportunity to identify potential project alternatives and mitigation measures for consideration in compliance with Public Resources §21080.3(a).

The Wildlife Agencies will retain the right to provide further comments *during* the formal public comment period or may choose to entirely waive their comments during the Interim Review Process and reserve them for the public comment period. (Emphases added.)

Fanita Ranch

Assertions are false: The City of Santee's 4(d) benefits were properly ended by FWS when all its coastal sage scrub allocation was used up. (FWS did make an exception to

allow an assisted care facility to go forward by allowing the City of Santee to utilize available County 4(d).)

FWS provides full rationales for preserve recommendations rather than "arbitrary" conclusions (e.g. letter of Dec. 20, 2016). In this regard, the draft Santee Subarea Plan (SAP) requires that the wildlife agencies consider the subregional (MSCP) context when reviewing Santee SAP proposals.

Not honoring covered species and sidestepping new information provisions

Assertions are false: FWS has *appropriately* reviewed new information from the MSCP adaptive management and monitoring program. This is an essential responsibility of permit issuance. FWS has repeatedly clarified what coverage for the eagle means under the MSCP, referring to the Biological Opinion and MSCP Table 3.5, Conditions of Coverage. It has explained the relationship of BGEPA to the MSCP. It is the right of other parties to disagree, of course, but disagreement does not warrant the accusations leveled as to motivation.

No "threatening" letters have been sent regarding the golden eagle. Rather, as noted above, FWS has repeatedly stated that *no determination* has been made as to whether eagle coverage under the MSCP remains biologically valid in light of this information. Instead, it has repeatedly offered to sit down and work through the very real biological issues. Whether permitees themselves have honored golden eagle commitments is another matter, and in point of fact, management actions such as nest monitoring have not been performed.

Ignoring solutions inconsistent with agency agenda

Assertions are false: In regard to the vicinity of Warner Springs, scientific input is that the referenced areas do *not* provide a remedy for golden eagle issues for other parts of the County.

EXHIBIT J

Wildlife and Habitat Conservation Coalition

Dedicated to the sustained conservation of native animal and plant species in the Southwest Bioregion.

April 24, 2017

The Hon. Dianne Jacob, Chair Board of Supervisors San Diego County 1600 Pacific Highway, Room 335 San Diego, CA 92101



RE: Newland Sierra project and the North County Multiple Species Conservation Program

Dear Chairperson Jacob and Members of the Board:

The San Diego Wildlife Conservation Coalition writes to express its concern over how the Department of Planning and Development Services (DPDS) is treating the Newland Sierra proposed project in the context of the North County Multiple Species Conservation Program (NC MSCP). The Coalition consists of 16 San Diego conservation groups representing with over 25,000 members.

First, however, we wish to convey our appreciation to your Board for moving forward on the long delayed and important North County MSCP. Further, we believe that your staff is firm in its commitment to the plan and, at this time, our comments are limited to the Newland Sierra matter.

As a bit of background, earlier this year, DPDS released a list of development projects that would be placed into the draft NC MSCP and also placed into the plan's DEIR for analysis. This list of "private projects" **inappropriately** contained Newland Sierra, a massive proposed development and General Plan amendment (GPA) along I-15 near Twin Oaks. All other projects on this list have already been *approved* by your Board and have substantial concurrence from our partners in the NC MSCP, the state and federal wildlife agencies.

To the contrary, your Board has not approved Newland Sierra, and the site design – which staff would place into the draft plan – has been soundly rejected by the wildlife agencies in numerous letters, due to fragmentation of Pre-Approved Mitigation Area (PAMA) and loss of connectivity.

Our objections are two-fold. First, until such time as *your Board* chooses to amend the General Plan, staff should not effectively pre-judge a GPA and give a "leg up" through environmental analysis and incorporation into the draft NC MSCP. *The adopted General Plan merits a presumption of validity*. In this case, it is noteworthy that a similar project (Merriam Mountains) was actually denied by your Board, and the 2011 General Plan shows the site as Resource Conservation Area, denoting special protection. Especially given previous Board action, we ask that you direct your staff to respect the General Plan.

Dedicated to the sustained conservation of native animal and plant species in the Southwest Bioregion.

Second, when the former project on the Merriam Mountains site was denied, the planning process was restarted and the site reverted to PAMA. This understanding between the County and the wildlife agencies is documented in draft meeting notes, dated January 23, 2014, as follows:

"Background (Merriam Mountains Project)

- a. Mark Slovick summarized the project attributes and hardline that had been established for the Merriam Mountains project, which was denied by the Board of Supervisors in 2010.
- b. After denial, the project reversed to PAMA (Pre-approved Mitigation Area in the draft NC Plan."

In addition, the fact that any subsequent hardline remained to be negotiated is documented in Notice of Preparation comments from the California Dept. of Fish and Wildlife (letter of March 11, 2015 to County of San Diego):

- "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 . . ." (Emphasis added.)

Given the failure of the parties to reach concurrence on a *new* site design, it is inappropriate for a project footprint that has been rejected by our wildlife agency partners as inconsistent with the NC MSCP preserve to be placed in the draft plan and its DEIR.

The rationale provided by DPDS is that the *former* project of a *former* developer had "hardline" status. However, because the site has clearly reverted to PAMA, no footprint should be prematurely advanced into environmental review. The proper course of action is to develop the NC MSCP and, when and if the project comes to your Board, assess at that time its compatibility with the NC MSCP (or its current draft) as part of your decision-making.

Again, we recognize and appreciate the overall progress the County is making toward completing the plan but wish to let you know of our concern that this good work could be undermined.

In closing, we request that the Board direct staff to remove the proposed project footprints in question from the NC MSCP draft plan and from the plan's DEIR, and to show those areas as PAMA.

Sincerely,

Joan Herskowitz, Buena Vista Audubon
George Courser, Sierra Club San Diego
Richard Fowler, Palomar Audubon Society
Pamela Heatherington, Environmental Center of San Diego
Frank Landis, California Native Plant Society, San Diego Chapter
Laura Hunter, Escondido Neighbors United
Dan Silver, Endangered Habitats League
Richard Fowler, Palomar Audubon Society
Jim Peugh, San Diego Audubon Society
Marco Gonzalez, Coastal Environmental Rights Foundation
Van K. Collinsworth, Preserve Wild Santee

cc.

Sarah Aghassi Mark Wardlaw Mary Kopaskie Brian Albright Peter Eichar LeAnn Carmichael Crystal Benham

EXHIBIT K

Merriam Mountains Wildlife Connectivity Review

April 18, 2017



Megan Jennings, Ph.D.
Research Ecologist
Assistant Adjunct Professor
San Diego State University

Importance of Connectivity for Wildlife

Current land management plans throughout the U.S. and Europe are designed to protect biodiversity by establishing a network of core habitat areas that are connected via linkages. The central principle of this large-scale conservation planning is that viable populations and natural communities can be supported by a connected landscape network (Beier et al. 2006, Crooks and Sanjayan 2006, Boitani et al. 2007, Barrows et al. 2011), particularly as the landscape becomes altered by anthropogenic features like roads and housing developments. Landscape connectivity allows for movement among patches of suitable habitat, reduces the chance of extinction and effects of demographic stochasticity on small populations (Brown and Kodric-Brown 1977), and maintains gene flow between populations in patchy landscapes (Simberloff et al. 1992) allowing more rapid recovery after events such as fire and disease outbreaks. Over longer time scales, and in the face of changing abiotic conditions, connectivity may also prove critical for range shifts in response to landscape changes caused by changing climate and altered disturbance regimes (Hannah et al. 2002, Heller and Zavaleta 2009). In southern California, this landscape-scale network approach has been adopted in response to the widespread habitat conversion and fragmentation that has resulted from development in the region (Riverside County 2003, County of San Diego 1998).

Connectivity is often considered from two different perspectives, physical and functional connectivity. *Physical connectivity* indicates whether there is structure connecting two patches of habitat, whereas *functional connectivity* accounts for how wildlife respond to that structure and the implications of those considerations for the species of concern (Taylor *et al.* 1993, Tischendorf and Fahrig 2000a, 2000b). The distinction between physical connectivity and functional connectivity in fragmented landscapes is critical when implementing conservation and mitigation measures to prevent irreversible habitat fragmentation. There are a variety of factors that can affect this response, including but not limited to, life history traits of the affected species, habitat configuration, degree of habitat fragmentation, and type of fragmenting features (*e.g.*, roads, houses). Furthermore, this response will differ among species with some demonstrating a greater sensitivity to these factors than others.

Wildlife Connectivity in the Merriam Mountains

The Merriam Mountains area is only one of two large habitat blocks that remain west of I-15 that are classified as Pre-Approved Mitigation Area (PAMA) with a goal of 75% conservation under the Draft North County Multiple Species Conservation Plan (NCMSCP). Given the remaining open spaces and known critical movement areas nearby (*i.e.*, the San Luis Rey River to the north), the Merriam Mountains area serves as a critical area for wildlife movement and connectivity at a local scale. The area offers drainages and ridgelines, features known to support wildlife movement, running in both east-west and north-south directions. Based on my research on connectivity in San Diego County (Jennings and Lewison 2013) and what prior research efforts have learned about wildlife movement and connectivity in the region (Crooks 2002, Lyren *et al.* 2009, 2008, 2006), it appears that the Merriam Mountains are situated in a critical location that currently allows it to serve as a stepping stone between habitat patches north of Escondido, San Marcos, and Vista to the Merriam and San Marcos Mountains, Moosa Canyon, and the San Luis Rey River.

Although east-west movement is undoubtedly challenged by Interstate 15 (I-15) to the east of the Merriam Mountains, some species may be able to cross through the concrete box culvert located under I-15 (Figure 1). The length and height of this structure¹ likely deter crossings by larger species like mountain lion (*Puma concolor*) and southern mule deer (*Odocoileus hemionus fuliginatus*), but smaller species may be able to traverse the crossing (Figure 2). A suite of small to medium mammals, such as raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), coyote (*Canis latrans*), bobcat (*Lynx rufus*), as well as a host of small mammals, may be most likely to use this structure. Furthermore, the location of this structure is such that connectivity could be enhanced with improvements to the structure design.

There are also locations to the north and south of the Merriam Mountains that allow for east-west movement past the freeway (e.g., Moosa Canyon). North-south connectivity is likely more important for wildlife movement in the area. The quality of undeveloped lands in the area is high and the current development intensity and agricultural activities are not likely to be acting as an impediment to wildlife movement. In a recent update to the connectivity section of the Management Strategic Plan for Conserved Lands in Western San Diego County,² the San Diego Management and Monitoring Program identified the Merriam Mountains as a key area connecting core linkages to the north, south, east, and west (Figure 3). Additionally, the proposed designation of area to the north as PAMA under the NCMSCP will further enhance the importance of the open space in the Merriam Mountains and connectivity to and from this area that will serve as a stepping stone, provide source populations of many species, and support ecological resilience in this part of San Diego County.

From a broader regional perspective on connectivity, the connections available for wildlife to move through this area are crucial for maintaining connectivity to the Santa Ana Mountains. The Santa Ana-Palomar linkage is a wildlife corridor that has been highlighted in numerous connectivity studies to date (e.g., South Coast Wildlands 2008, Spencer et al. 2010); however, this linkage remains unrealized due the difficulty in getting animals across the I-15 to the north in Temecula. Currently, one of the few areas where it is currently feasible for a movement corridor is in the vicinity of the Merriam Mountains. This is an especially important issue for mountain lions, which have experienced a decline in genetic diversity and led to inbreeding and concerns about long term persistence of the apex predator in the Santa Ana Mountains (Ernest et al. 2014), as well as additional effects to the San Diego population of mountain lions.

Without adequate habitat quality or structure, the effective distance³ among preserved lands in this part of San Diego County would more than double, as negotiating additional roads and development would limit the species that could successfully traverse the distance. By fragmenting this area, it may no longer serve as suitable habitat for viable populations of southern mule deer, key predators such as bobcats or coyotes (Crooks 2002), or as a critical stepping stone for dispersing mountain lions searching for larger blocks of suitable habitat. Furthermore, the type of stepping-stone connectivity that this area provides is critical for the

¹ Structure measures approximately 5 feet high x 7.5 feet wide x 900 feet long.

² https://portal.sdmmp.com/view_threat.php?threatid=TID_20160304_1454 (last accessed Apr. 17, 2017).

³ Effective distance accounts for both the physical distance and the barriers and resistance of moving through the landscape.

movement of avifauna with limited dispersal abilities, such as the federally threatened California gnatcatcher (*Polioptila californica californica*). Connectivity between suitable patches of coastal sage scrub habitat is necessary if the gnatcatcher is to not only persist, but recover in coastal southern California, particularly in San Diego County where coastal sage scrub habitats continue to be constrained at a rapid rate. The proposed development may result in the physical and genetic isolation of populations of mule deer, bobcat, coyote, and other species on either side of Deer Springs Road and west of I-15, a phenomenon that has been demonstrated in other areas of southern California where roads and development have fragmented habitats for these species in a similar fashion (Riley *et al.* 2006, Lee *et al.* 2012). These effects would result in cumulative impacts to connectivity and wildlife corridors in the area, and require that existing lands providing connectivity be considered more carefully in broader subregional and temporal contexts.

Wildlife Connectivity and the Proposed Newland-Sierra Development

Design Configuration

Although the proposed design configuration of the Newland Sierra project is intended to preserve the core habitat on Merriam Mountain, it will rather serve to further isolate that area and limit its function in providing habitat that will contribute to regional biodiversity. Even though the project design appears to incorporate a number of areas of open space, the configuration of those spaces is such that roughly only 400 hectares (<1,000 acres) will remain as suitable core habitat or a major movement corridor for those species. Reducing that block to an effective size less than 1,000 acres and cutting off movement to and from the east and south would substantially reduce its functionality as preserved lands under California's Natural Community Conservation Planning (NCCP) program.

The 2009 Draft Environmental Impact Report for the previously proposed project on this site notes that much of the evidence for wildlife movement on the site was observed along existing dirt roads and trails but assumed agricultural lands and dense chaparral would not be used by most species. The use of these dirt roads is not an indicator of unsuitability of the site, but rather of the adaptable nature of many of the medium to large mammals that are likely to occur on site. Furthermore, agricultural lands, particularly avocado orchards, are known to provide important habitat for mammalian carnivores (Nogeire *et al.* 2013) and should be considered an important component of the conservation design for this area of the County. Additionally, a review of aerial imagery of the proposed project area revealed that, although there are areas of dense chaparral on site, the density is not uniform across the project area, nor does that make it impenetrable to wildlife. As is common across the region, the south- and east-facing slopes of the project area are substantially less dense than north- and west-facing slopes. Further, ongoing disturbance (such as dirt roads and trails) throughout the project area have created many areas of lower density open patches among the chaparral. Finally, dense chaparral is not a barrier to movement for many species and provides important cover for many small and medium species.

The proposed configuration of the Newland Sierra Project focuses on providing opportunities for east-west movement between the Merriam Mountains and San Marcos Mountain. While connectivity to San Marcos Mountain to the west is an important habitat linkage to conserve and

manage, it is not the only critical wildlife corridor in the region. In fact, focusing only on that linkage could create a connectivity dead-end, limiting any movement to the east or south from the Merriam Mountains or into the area from the east and south. These east-west and north-south corridors (Figure 4) are critical for maintaining adequate wildlife movement and consequently, ecological functioning, in the western part of the North County. Furthermore, to adequately ensure there is functional connectivity for wildlife to move to and from the open space in the San Marcos Mountains, appropriately sited and designed wildlife crossing structures need to be installed along Twin Oaks Valley Road. These structures should consider a range of species from large to small and be placed along existing movement paths to encourage use and reinforced with directional fencing to limit at-grade crossing by wildlife, which can lead to increased wildlife-vehicle collisions.

Road Impacts

The proposed increase in the size of Deer Springs Road, the improvements to the I-15 interchange, as well as the expansion of the footprint of development in the immediate vicinity of the I-15 interchange would be exceptionally difficult to plan so that wildlife could continue to move through the area, particularly given the importance of north-south movement through this area. The increase in the size and traffic load along Deer Springs Road is a serious concern for both resident and migrating/dispersing wildlife moving through the area. In its current state, Deer Springs Road, a two-lane secondary road, is most likely a source of mortality for wildlife, but not a barrier to movement as the I-15 is for long stretches. Although it is certain that some proportion of animals that attempt to cross Deer Springs Road do not successfully make the crossing, the road currently only serves to reduce functional connectivity and affect the movement of individuals rather than having a barrier effect on entire populations. A wider and more heavily traveled road in this location would be more likely to impede wildlife movement and affect resident and dispersing populations in the area. Appropriately sized, spaced, sited, and designed structures must be included in the design of the road to allow for wildlife movement to avoid increasing the mortality effect of the road and limit the degree of the barrier effect that will occur when the road is widened. Furthermore, incorporating the addition of wildlife crossing structures along I-15 could facilitate movement for a suite of species, enhancing east-west connectivity.

Other roads of concern in the proposed project are Camino Mayor and the proposed section of Mesa Rock Road that would bisect the proposed central section of "open space". These two roads would also need to incorporate appropriate wildlife crossing structures to limit the impacts of these roadways on habitat and movement. In particular, the design of these latter two roads lends itself to the greatest degree of wildlife-vehicle collisions as secondary roads often seem passable by wildlife but excessive speeds and limited sight distance can result in roadkill hotspots along roads that bisect natural areas as proposed in the Newland Sierra project.

Edge Effects

The areas designated as "open space" within the interior of the proposed development, notably the area identified as "Block 3" in some planning documents, cannot be considered core habitat nor movement corridors for wildlife as they will be impacted both directly and indirectly by the development and activities therein, once built and occupied by residents. This area of habitat will

be surrounded by roads on all sides and development on three sides with only a narrow opening to the south. Any wildlife present in this area will be susceptible to edge effects such as humanwildlife conflict, reduced habitat quality and quantity from fuels clearance, and exposure to a greater risk of predation, disease, and toxins from the human environment. In fact, lower probabilities of occurrence of wildlife species such as bobcats or gray fox has been documented at distances less than 1,500 to 2,000 meters (4,920 to 6,560 feet) from urban edges (Ordeñana et al. 2010) which would eliminate most, if not all, of "Block 3" as habitat for those species. Many smaller species are also likely to experience edge effects in a habitat patch less than 200 acres, such "Block 3". Species such as the red diamond rattlesnake (Crotalus ruber), which have demonstrated avoidance of roads and development in southern California (Tracey 2000), will be subject to persecution and removal when located next to homes and trails and may also experience higher mortality rates on surrounding roads. The San Diego coast horned lizard (Phrynosoma coronatum blainvillii) may also face increased mortality from roadkill, collection, and lack of food if Argentine ants (*Linepithema humile*) colonize the site (Fisher et al. 2002), displacing the native harvester ants (*Pogonomyrmex* spp.) the lizard's primary food resource. When there are factors likely to introduce edge effects such as these into an area of core habitat, buffers and expanded core areas are the most appropriate mitigation for those effects. Buffers ranging from 230 to 300 meters (755 to 984 feet) have been recommended to mitigate these edge effects (Environmental Law Institute 2003). If such a buffer is applied, the remaining habitat in "Block 3" would equate to roughly 16 hectares (40 acres).

To the east, the swath of habitat remaining between the proposed development and I-15 should not be considered a suitable movement corridor as the barrier or deterrent effect of a road of that magnitude will be well beyond the immediate footprint. For example, in modeling movement habitat for bobcats in San Diego County based on GPS telemetry data, the effect of roads such as I-15 on the species occurs at as much as 1,000 meters (3,280 feet) away (Jennings, *unpublished data*). Effects of developed areas were strongest at 519 meters (1,703 feet), and in sparse or disturbed habitats, 1,000 meters. A functional wildlife corridor that would allow for north-south movement to the west of I-15 would need to be shielded from the freeway. The area with the highest probability of movement in this area is the first canyon to the west of I-15 where the commercial area and neighborhood access via Mesa Rock Road are proposed.

The proposed trail system throughout the open space would also contribute to edge effects, as human recreation in the form of dog walking, hiking, mountain biking, horseback riding, and bird watching all affect wildlife activity patterns (George and Crooks 2006, Reed and Merenlender 2008, Reed and Merenlender 2011). The design of the proposed trails in the 2016 Newland Sierra Specific Plan (Figure 62, p. 187) displays a number of dead-end or loop trails. These are likely to result in additional volunteer trails and off-site exploration. In addition, trails leading from the backs of the neighborhoods that are adjacent to the open space (*e.g.*, Summit and Mesa) are also likely. Furthermore, design features for the project such as the proposed Oak Grove Park (Figure 63, p. 189) may become an ecological trap for wildlife, drawing them in with shade, trees, and providing water sources but located adjacent to a major intersection and high levels of traffic that pose a danger to wildlife.



Figure 1. Box culvert location under Interstate 15.

Page | 6 / 11



Figure 2. Photographs of I-15 drainage culvert. Left: Creek on east side flowing into culvert; Upper right: east entrance to culvert; Lower right: View to west end of culvert from inside east end.

ArcGIS ◆ MSP Cores and Linkages

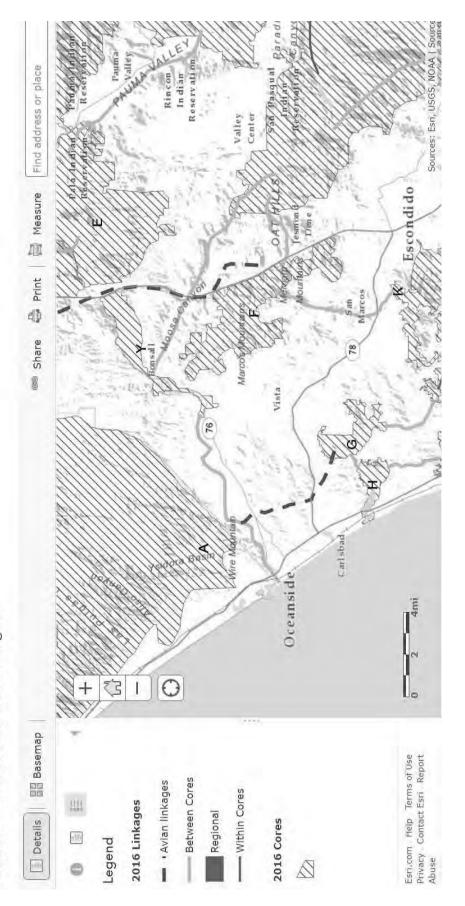


Figure 3. Map of Management Strategic Plan core areas and linkages in the vicinity of the Merriam Mountains.

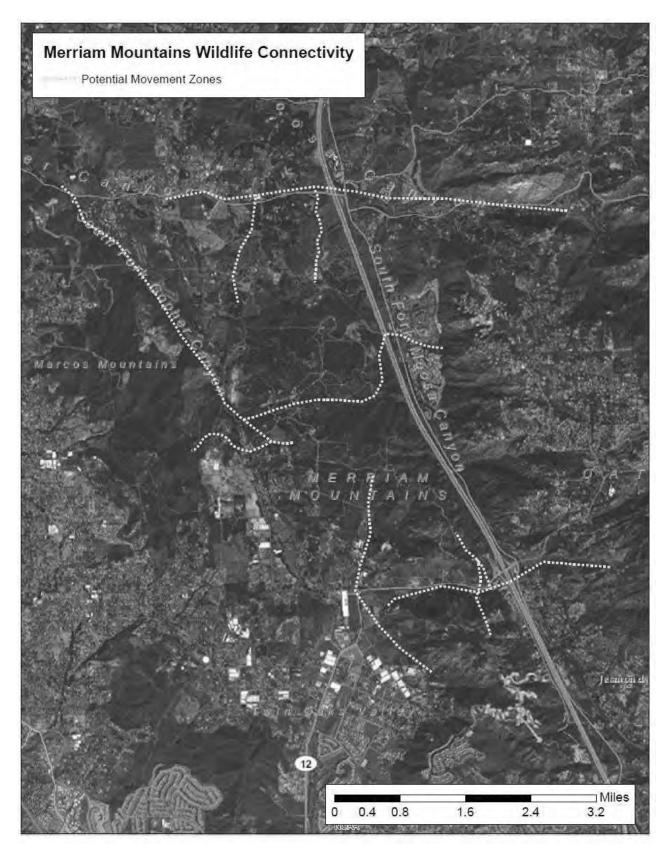


Figure 4. Putative movement zones in the vicinity of the Merriam Mountains

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Curriculum Vitae

Megan K. Jennings

<u>mjennings@mail.sdsu.edu</u> http://www.conservationecologylab.com/megan-jennings.html

Professional Preparation

Dartmouth College	Environmental and Evolutionary Biology	B.A., 2000
University of California, Davis San Diego State University	Ecology	Ph.D., 2013
San Diego State University	Institute for Ecological Monitoring and Management (IEMM)	Postdoctoral Fellow, 2014-2016

Appointments

2016-present	Research Ecologist, Institute for Ecological Monitoring and Management, San Diego
	State University
2016-present	Adjunct Assistant Professor, San Diego State University
2016-present	Science Program Manager, Climate Science Alliance – South Coast
2014–2016	Postdoctoral Research Fellow, Institute for Ecological Management and Monitoring,
	San Diego State University
2013-2014	District Wildlife Biologist, Descanso Ranger District, Cleveland National Forest
2007–2013	Wildlife Biologist, Student Career Experience Program, Cleveland National Forest
2008-2010	Graduate Student Lecturer, San Diego State University, Experimental Ecology
2003-2007	Assistant Biologist, Cleveland National Forest, Palomar Ranger District

Selected Publications and Presentations

- Kalansky, J., **M. Jennings**, D. Cayan, R. Clemesha, A. Gershunov, K. Guirguis, D. Lawson, A. Pairis, D. Pierce, J. Randall, E. Stein, A. Syphard, and S. Vanderplank. 2017. San Diego County: The ecological impacts of climate change on a biodiversity hotspot. California Climate Summit (Poster)
- **Jennings, M.K.** and R.L. Lewison. *In Review*. Why do animals cross the road?: Characterizing wildlife crossing structures. Biological Conservation.
- Jennings, M.K. *In Press*. Bobcat. In: S. Tremor, W. Spencer, and J. Diffendorfer (eds), The San Diego County Mammal Atlas.
- Jennings, M.K. *In Press*. Gray fox. In: S. Tremor, W. Spencer, and J. Diffendorfer (eds), The San Diego County Mammal Atlas.

Curriculum Vitae

- Jennings, M.K. *In Review*. Faunal diversity in chaparral ecosystems. In: E.C. Underwood, H.D. Safford, N. Molinari, J.E. Keeley, and J. Hooper (eds), The Ecological Value of Chaparral Landscapes: Ecosystem Services and Resource Management.
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- **Jennings, M.**, R. Lewison, W. Vickers, and W. Boyce. 2016. Puma response to the effects of fire and urbanization. Journal of Wildlife Management 80(2):221-234.
- **Jennings, M.** Planning for wildlife movement in a changing climate. 2016 Annual Meeting of the Western Section of The Wildlife Society. February 22-26, 2016. Pomona, CA.
- Carver, S., S. Bevins, M. Lappin, E. Boydston, L. Lyren, M. Alldredge, K. Logan, L. Sweanor, S. Riley, L. Serieys, R. Fisher, W. Vickers, W. Boyce, R. McBride, M. Cunningham, M. Jennings, J. Lewis, K. Crooks, S. VandeWoude. 2016. Pathogen exposure varies widely among sympatric populations of wild and domestic felids across the United States. Ecological Applications 26(2):367-381.
- **Jennings, M.** and R. McCreary. 2016. An Overview of San Diego County's Ongoing Feral Pig Eradication Project. Proceedings of the 27th Vertebrate Pest Conference, Newport Beach, CA.
- **Jennings, M.** and R. Lewison. 2013. Planning for connectivity under climate change: Using bobcat movement to assess landscape connectivity across San Diego County's open spaces. Technical Report.
- **Jennings, M.** 2013. Landscape dynamics in southern California: Understanding mammalian carnivore response to fire and human development. Doctoral Dissertation
- **Jennings, M**. R. Lewison, L. Lyren, E. Boydston. Assessing Connectivity in Ecological Networks: Effects of Land Use and Climate Change. 2014 Annual Meeting of the Western Section of The Wildlife Society. January 27-31, 2014. Reno, NV.

Synergistic Activities

- 1. International Urban Wildlife Conference 2017, Host Committee Member
- 2. Symposium Organizer International Urban Wildlife Conference 2017: Connectivity in the Urban Environment; Natural Areas Conference 2016: Climate Change Impacts on Ecosystem Services and Climate Change Adaptation in Southern California
- 3. Climate Science Alliance South Coast: Vision Team and Advisory Team Member, 2015 present
- 4. California Landscape Conservation Cooperative: Stakeholder Committee Member (Representing Climate Science Alliance South Coast), 2016 present
- 5. San Diego State of the Science Assessment Team for California's 4th Climate Assessment: Coorganizer with Dan Cayan and Julie Kalansky (SIO), 2016 present
- 6. Southern California Climate Adaptation Project: Stakeholder Advisory Committee Member, 2014 2016

Curriculum Vitae

- 7. San Diego Monitoring and Management Program: Regular meeting attendee and workshop participant (Connectivity Strategic Plan Science Session, July 2014; Genetics for Monitoring and Management Workshop, December 2013; Fire and Wildlife Strategic Plan Workshop, March 2013)
- 8. Climate Kids: Featured scientist and developed Carnivores module for Climate Kids program in San Diego County, 2016 present
- 9. National Center for Ecological Analysis and Synthesis: Open Science for Synthesis Training Participant, July August 2014
- 10. San Diego Intergovernmental Feral Pig Working Group: Project Lead, 2013–2014
- 11. Invited lectures: Riparian Restoration Workshop November 2016; Caltrans Connectivity Planning Workshop January 2016; Buena Vista Audubon Society January 2015; The 2nd Southern California Chaparral Symposium June 2015; Fund for Animals Wildlife Center November 2014; The Escondido Creek Conservancy June 2014; San Diego Zoo Institute for Conservation Research November 2013, May 2014; Friends of Hellhole Canyon January 2014; Environmental Mitigation Program Working Group Meeting November 2013, July 2015, November 2016; San Diego Tracking Team September 2013; Torrey Pines Docent Association June 2013; Friends of Los Peñasquitos Canyon April 2013; San Diego Monitoring and Management Program May 2012

Grants and Awards

- 2016-2019 California Department of Fish and Wildlife State Wildlife Grant Climate Resilient Connectivity for the South Coast Ecoregion (\$180,000)
- 2016-2019 Wildlife Conservation Board Climate Resilient Connectivity for the South Coast Ecoregion (\$250,000)
- 2016-2017 San Diego Association of Governments SR-67 Connectivity Assessment (\$188,405)
- 2014-2017 California Department of Fish and Wildlife Feral Pig Monitoring Grant (\$77,401)
- 2014-2015 Caltrans Contract for Wildlife Monitoring of SR-67 (\$96,000)
- 2011-2012 Blasker-Miah-Rose Fund for Climate Change Research (\$68,000)
- 2010-2012 Achievement Rewards for College Scientists (ARCS) Scholar (\$14,000)
- 2009-2010 UC Davis School of Veterinary Medicine Wildlife Health Center Fellow (\$5,000)
- 2009-2010 San Diego State University University Grants Program (\$9,970)
- 2008-2009 Collaborator funding, NSF Emerging Infectious Disease Grant under co-PIs Dr. Kevin Crooks and Dr. Sue VandeWoude at Colorado State University (\$10,000)

EXHIBIT L



Twin Oaks Valley Community Sponsor Group

P.O. Box 455 San Marcos, Ca. 92079

Mr. Mark Wardlaw, Director San Diego Co. Planning & Dev. 5510 Overland Ave. Suite 310 San Diego, CA 92123 Board of Supervisors San Diego County Board of Supervisors 1600 Pacific Highway, Room 335 San Diego, CA 92101

April 22, 2017

RE: Multiple Species Conservation Program (MSCP)

Dear Director Wardlaw and Board of Supervisors,

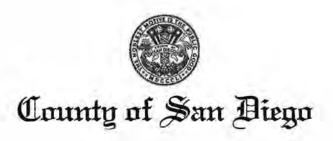
The Twin Oaks Valley Sponsor Group would like the County to clarify the status of the proposed Newland Sierra development project in the North County (NC) MSCP. The Newland Sierra project is located in the Twin Oaks area and we have been told the draft EIR will be published soon. We have also attended recent meetings regarding the NC MSCP to better understand that planning process between the County and state and federal wildlife agencies. We have been told by County staff members that the Newland Sierra project will be part of the NC MSCP, but we have concerns that the project may be excluded as a private project. Please see the attached maps showing this.

At our regularly scheduled meeting on April 19, 2017, the sponsor group board voted unanimously (5-0-0) to send a letter to the County asking for clarification about this topic. We are formally asking if there are any pending or new private projects such as the Newland Sierra project and/or Lilac Hill Ranch project has been excluded from the NC MSCP? If yes for any project, what is the reasons why. Have the other agencies involved in the NC MSCP agreed with this? We would appreciate your clarification about the status of the Newland Sierra project and other development projects and the discussions between the agencies involved.

Thank you for looking into this topic. We look forward to your response.

Sincerely,

Tom Kumura, Chairman Twin Oaks Valley Sponsor Group



MARK WARDLAW DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcounty.ca.gov/pds

June 5, 2017

Latham & Watkins LLP Christopher W. Garrett 12670 High Bluff Drive San Diego, CA 92130

RESPONSE TO "INVESTIGATION NEEDED INTO NEWLAND'S MISLEADING BACKROOM DEALING FOR ITS 'SIERRA' PROJECT AND POTENTIAL IMPLICATIONS FOR COUNTY STAFF"

Dear Mr. Garrett,

At the request of the County Board of Supervisors and Chief Administrative Officer Helen Robbins-Meyer, Planning & Development Services (PDS) is responding to your May 17, 2017 letter titled "Investigation Needed into Newland's Misleading Backroom Dealing for Its 'Sierra' Project and Potential Implications For County Staff."

Background

As you know, the County is currently processing an application submitted by Newland Sierra LLC for a proposed development project (Project) located north of Deer Springs Road, directly west of Interstate 15 in the North County Metropolitan Subregional Plan and Bonsall Community Plan areas, within unincorporated San Diego County. The Project includes a General Plan Amendment, Specific Plan, Rezone, and Tentative Map to subdivide approximately 1,985 acres into 2,135 dwelling units, 81,000 square feet of commercial space, a 6-acre school site, approximately 36 acres of public and private parks, 19 miles of trails and approximately 1,209 acres of biological open space. While the Project is located on a site similar to that on which the former Merriam Mountains project was proposed, it is a new application and includes a new project description.

County's Role in the Process

As the lead agency, PDS completes an independent evaluation of private land development applications, including the Project, for compliance with applicable County, State and Federal laws, regulations and ordinances. As such, PDS is not an advocate for or against the Project, but acts in an independent regulatory capacity as the lead agency for the Project. Based on its independent evaluation of the Project's compliance with applicable requirements, PDS will

formulate a recommendation for the Planning Commission and then the Board of Supervisors (Board) who has the ultimate authority to (i) certify or decline to certify an Environmental Impact Report (EIR) for the Project; and (ii) approve or deny the Project. In addition, and as described more fully below, during the processing of the Project by the County, there will be extensive opportunities for public review and comment, including input from the appropriate community/ sponsor group, public review and comment of the Draft EIR, and public hearings held by both the Planning Commission and the Board about the Project and the evaluation. This is in addition to the public EIR scoping meeting and Notice of Preparation (NOP) public review period that have already occurred for the Project.

As part of the County's independent evaluation of projects, PDS consults with other agencies which may have additional permitting authorities. Your letter raises concerns that PDS staff are included on emails between the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) (collectively referred to as Wildlife Agencies) and the applicant. However, it is common practice for the County, a project applicant, and the Wildlife Agencies to communicate where a project will require approvals and/or concurrence from both the County and the Wildlife Agencies. It is also standard practice for the County to elevate issues within an agency to pursue issue resolution. The County's role in communicating with other agencies does not include advocating or lobbying these agencies to approve projects. The County has not traveled to the USFWS Regional Office in Sacramento or to the USFWS office in Washington, D.C. on behalf of the project applicant to circumvent working with the local USFWS Carlsbad Office.

While the County facilitates the public input process and consults with outside agencies, it should be clarified that the Building Industry Association (BIA) is independent from the County. None of the analysis or determinations made by PDS were based on the BIA matrix nor did the County have any involvement in its preparation. Lastly, PDS recovers the full cost of services related to the processing land development permit applications through deposit accounts that are paid for by project applicants. PDS does not use public funds to process permit applications.

Public Participation in the Process

A Draft EIR is being prepared for the Project by the applicant and will be released for a 60-day public review and comment period. All public comments received during the comment period are responded to and included in a Final EIR to be presented to the Planning Commission and Board at noticed public hearings for consideration and action. The Project will also likely require permits from the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers and will, therefore, also likely undergo public review in accordance with the National Environmental Policy Act (NEPA).

Impacts to biological resources are studied as part of the California Environmental Quality Act (CEQA) and NEPA processes and appropriate mitigation is required to be provided. Through analysis of the biological resources onsite, it has been determined that the Project will result in impacts to Diegan coastal sage scrub (CSS) and result in the need for "take" of the California gnatcatcher, a federally listed threatened species. In accordance with the Endangered

Species Act (Act), there are currently three options for the Project to pursue take authorization for the California gnatcatcher including: (i) obtaining a Section 7 permit; (ii) obtaining a Section 10 permit; or (iii) through the issuance of and concurrence on a Habitat Loss Permit (HLP) in accordance with Section 4(d) of the Act, State Natural Community Conservation Planning (NCCP) Act Conservation Guidelines and Process Guidelines, and the County's HLP Ordinance implementing the 4(d) process. The applicant's pursuit of these permits requires the County's involvement with and determinations by the Wildlife Agencies.

Multiple Species Conversation Program – Draft North County Plan (Draft Plan)

The Project is also located within the planning area for the Multiple Species Conservation Plan – Draft North County Plan (Draft Plan), a regional multi-species Habitat Conservation Plan (HCP) and NCCP currently being prepared for consideration and approval by the Board and the Wildlife Agencies. Should the Draft Plan be approved, it would provide a fourth option for the Project to pursue take authorization for the California gnatcatcher.

As part of the effort to develop the Draft Plan, the County is conducting stakeholder outreach and engagement to gather input and feedback from interested parties as we work with the Wildlife Agencies to develop the Draft Plan. The County intends to release a public review of the Draft Plan and kick-off scoping for the environmental documentation process by the end of 2017, including the issuance of a NOP.

Currently, the County shows the Project site as a proposed "hardline" (preserve and development area defined) project within the Draft Plan. As was done in the previous public review of a prior iteration of the Draft Plan that was released in 2009, the anticipated public review of the Draft Plan will include supplemental information within an appendix that explains and justifies why certain projects were included as proposed hardlines. Information provided below indicates some of the rationale for including proposed hardline projects, which will be fully articulated in the public review of the Draft Plan that is anticipated for release at the end of 2017. It should also be noted that although the Wildlife Agencies accepted a hardline for the former Merriam Mountains project, this Project does not propose to revise or rely upon that hardline, but instead proposes a new hardline based on the current proposed Project.

In order for a project to be included as a hardline within the approved Multiple Species Conservation Plan – North County Plan (Final Plan), the project footprint to be developed and the footprint to be preserved, including any offsite mitigation areas, must be concurred upon by the Wildlife Agencies, the project proponent, and the County. While the Project is the only proposed project included within the current Draft Plan that has not yet received Board approval, inclusion of the Project in the Draft Plan does not, in any manner, indicate County support for the Project or provide the Project with an approval advantage. The Project will separately need Board approval as required by applicable laws and ordinances, and if it is denied by the Board or significantly revised, it will be removed or modified within the Draft Plan. In addition to the Board's required approval of the Project, the Wildlife Agencies will also need to approve take, either through the incidental take permit for the Final Plan or via one of the other options listed above.

The Project's inclusion in the Draft Plan reflects the County's view that the Project's proposed development footprint and open space preserve area should be considered within the conservation analysis for the Draft Plan but does not give the project any preferential treatment or eliminate any mitigation requirements. A fundamental piece of the Draft Plan will be a conservation analysis that forms the scientific basis upon which the Wildlife Agencies will base their biological opinions and findings in order to issue the County an Incidental Take Permit per the Act. The conservation analysis is currently in a working draft form that includes a preliminary analysis of potential impacts in the planning area, as well as an analysis of potential build-out of a preserve through mitigation, avoidance, and land acquisition. In order to complete this analysis, the County conducted an assessment of potential projects that are currently expected to occur within the planning area for the Draft Plan.

The main purpose of identifying projects and including them as proposed hardlines is so they can be properly incorporated in the conservation analysis of the Draft Plan. Inclusion of the Project as a proposed hardline does not exempt the project from or eliminate the need for the Project to provide mitigation for its biological impacts under either the Act or CEQA. In conducting the preliminary conservation analysis, County biologists believe that the open space design and future preservation of the 1,209 acres of land that the Project proposes complements the anticipated preserve and Pre-Approved Mitigation Area for the Draft Plan. As a result, the Project has been included in the Draft Plan and, to be included in the Final Plan, the Wildlife Agencies must concur. The Final Plan will also have to be approved by the Board.

The County appreciates your interest in the evaluation of the Project application and the formulation of the Draft Plan. You have been included on PDS's notification list to receive a notice of the availability of public review of the Draft EIR for the Project. We look forward to receiving additional comments from the Golden Door on the Draft EIR when it is released. If you have any questions about the Project, please contact the Project Manager, Ashley Smith at (858) 495-5375 or Ashley.Smith2@sdcounty.ca.gov or Planning Manager, Mark Slovick at (858) 495-5172 or Mark.Slovick@sdcounty.ca.gov.

Sincerely,

MARK WARDLAW, Director

Planning & Development Services

cc: County Board of Supervisors

Helen Robbins-Meyer, Chief Administrative Officer Sarah Aghassi, Deputy Chief Administrative Officer

William Witt, County Counsel

Victor Avina, Policy Advisor, District 1 Adam Wilson, Policy Advisor, District 2 Jason Paguio, Policy Advisor, District 3

> Adrian Granda, Policy Advisor, District 4 Melanie Wilson, Policy Advisor, District 5 Michael Fris, Assistant Regional Director, USFWS Mendel Stewart, Field Supervisor, USFWS Karen A. Goebel, Assistant Field Supervisor, USFWS Ed Pert, South Coast Regional Manager, CDFW Gail K. Sevrens, Environmental Program Manager, CDFW Andrew Yancey, Latham & Watkins Dan Silver, Endangered Habitats League Denise Price, Clay Co. Doug Hageman, Newland George Courser, Sierra Club San Diego Kathy Van Ness, Golden Door Laura Hunter, Wildlife and Habitat Conservation Coalition Mark Dillon, Gatzke Dillon & Balance Paul Robinson, Hecht Solberg Robinson Goldberg & Bagley Stephanie Saathoff, Clay Co. Bonsall Community Sponsor Group Hidden Meadows Community Sponsor Group Twin Oaks Valley Community Sponsor Group

LATHAM & WATKINS LLP

June 15, 2018

VIA EMAIL

Ashley Smith Planning and Development Services County of San Diego 5510 Overland Avenue, Suite 310 San Diego, CA 92123 12670 High Bluff Drive San Diego, California 92130 Tel: +1.858.523.5400 Fax: +1.858.523.5450

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Re: Newland Sierra (Log No. PDS2015-ER-15-08-001; SCH No. 2015021036,

Project Numbers: PDS2015-GPA-15-001, PDS2015-SP-15-001, PDS2015-

REZ-15-001, PDS2015-TM-5597, PDSXXXX-HLP-XXX) -

Newland Sierra Project Inconsistency with North County MSCP

Dear Ms. Smith:

As you are aware, we represent Golden Door Properties, LLC ("Golden Door"), a world-class resort and agricultural operation in rural Twin Oaks Valley. The Golden Door has restored farming and beekeeping, including replanting many new trees, on its property, and shares its products through a community Farm Stand and other retail operations. The Golden Door has raised many concerns with the County about the proposed Newland Sierra Project and the impacts of adding urban density the size of the City of Del Mar in our rural community.

We write today with respect to the Project's critical inconsistencies with the draft North County Multiple Species Conservation Plan (MSCP), as a follow-up and supplemental comment to our prior correspondence, in particular our letters dated May 21, 2018, May 31, 2018, and June 13, 2018.

We recently obtained documents as a result of a request under the Freedom of Information Act. These documents appear to show that local agency experts were silenced after Newland Sierra proponents exerted political pressure on senior agency officials. These documents also clearly highlight the concerns of expert biologists regarding the Newland Sierra project – in particular, the assumption by the County and other proponents of the project that it is a "hardline" component of the draft North County MSCP.

In particular, these expert agency biologists noted that the inclusion of the Newland project as a "hardline" in the North County MSCP may actually doom the MSCP entirely. The

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unraveling of the North County MSCP would be a severe blow not only to the County but to development throughout North County.

Further, the expert agency biologists' concerns point to the need for a comprehensive cumulative impacts analysis of all the General Plan amendment projects in the North County and how they impact the North County MSCP. In other words, if the County's approval of over 10,000 units of housing in the unincorporated areas cripples the conservation goals of the MSCP, then it seems reasonably likely that the federal and state wildlife agencies will not approve any MSCP at all. We urge the County to reconsider this self-destructive path and postpone consideration of the Newland project until these serious issues are resolved.

Finally, in these newly released documents, the federal agencies clearly requested updated gnatcatcher surveys, but Newland has chosen that it will not perform those surveys until next year. If that is the case, then the processing of Newland's EIR must be delayed until next year, when those surveys can be performed.

Additional detail regarding this issue and others is set forth in the enclosure.

Thank you for your time and attention to our comments. Please do not hesitate to contact us should you have any questions or comments.

Best regards,

Taiga Takahashi

of LATHAM & WATKINS LLP

Enclosure

cc: Darin Neufeld, County Planning and Development Services
Mark Slovick, County Planning and Development Services
William W. Witt, Office of County Counsel
Claudia Silva, Office of County Counsel
Dan Silver, Endangered Habitats League
George Courser, Sierra Club
Stephanie Saathoff, Clay Co.
Denise Price, Clay Co.
Christopher Garrett, Latham & Watkins
Kathy Van Ness, Golden Door

- 1. **The Newland Sierra project risks dooming the North County MSCP.** In December 2016, U.S. Fish & Wildlife staff made the following comments regarding the Newland project:
 - "The Newland Sierra project fragments a large core area of habitat proposed under the North County Plan.
 - Because it is unclear how the County will account for the loss of this core area, it is unclear
 how the project could gain approval under the draft North County Plan as we know it.
 - The Wildlife Agencies could not come to agreement with the project proponent on the off-site mitigation because the acreage proposed for conservation was insufficient to offset the acreage lost to development from the Newland Sierra project within the pre-approved mitigation area or PAMA (i.e., the offsite mitigation proposed neither removed a development area from the PAMA or increased the area of preserve outside of the PAMA).
 - The Newland Sierra Project as proposed results in a net loss in preserve acreage over what
 is anticipated for mitigation in the Draft North County Plan.
 - The County did not present a logical method to make up for this loss in mitigation.
 - Should the County Board of Supervisors approve the project without fully addressing our concerns, including our potential objection to issuance of a 4(d) permit, the Service would need to evaluate the benefits to conservation of moving forward with the North County Plan.
 - By approving the Newland Sierra Project and others through the 4(d) rule without addressing inconsistencies with preserve assembly, the potential exists for the 4(d) rule to undermine the very process (i.e., regional NCCP/HCP development) it was aimed at supporting." (See Enclosure 1 [emphasis added].)

In other words, it appears as if federal agency biologists considered the Newland project to be so fundamentally incompatible with the goals of the North County MSCP that its approval would jeopardize the North County MSCP itself.

- 2. Newland must perform a comprehensive cumulative impacts analysis of all the General Plan amendment projects in the North County, in order to evaluate how the County's potential approval of all these projects will impact the North County MSCP. If the approval of the Newland project or others essentially precludes the establishment of the North County MSCP, then the consequences of that decision must be analyzed and disclosed to the public.
- 3. Newland must ensure that surveys for fairy shrimp are done in a scientifically valid manner. In January 2017, a federal agency biologist noted that initial surveys for fairy shrimp were inadequate and new surveys were required:

Given the amount of rain we have already had this year, there may be more ponding on site then was observed in previous years - Please consider this email our approval for you to commence wet season surveys at this location according to the accepted survey guidelines for the listed large branchiopods, dated May 31, 2015, and pursuant to the conditions of your [respective] recovery permit[s]. Be aware that these surveys missed the first rains of the season therefore the results may be inconclusive. You will want to make sure you are able to substantiate any statements in your 90-day report by providing rain gauge and/or in-field observation information to demonstrate that you are meeting protocol requirements that: "Surveyors should visit sites after initial storm events

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to determine when known or potential listed large branchiopod habitat has become inundated. Appropriate habitat is considered to be inundated when it holds greater than 3 cm of standing water 24 hours after a rain event." Please note that the LA County Natural History Museum encourages deposition of all collected fairy shrimp, not only listed species.

(Enclosure 2.) The project's biological analysis should therefore not only include new surveys for fairy shrimp, but surveys that are performed at the correct time using the correct methodology. Failure to conduct the surveys in this manner renders the analysis necessarily inadequate and must be revised and recirculated for public review and comment before the project may proceed through the CEQA process.

4. **Newland must perform new surveys for California gnatcatcher.** As recently as last month, federal agency biologists recognized that new surveys needed to be done for California gnatcatcher. The risk that new surveys may require additional environmental analysis, public review, and public comment under CEQA is not a valid basis to refuse to do those surveys or postpone them until a later time.

In addition, because it is known that the Newland project requires a new interchange at I-15 and Deer Springs Road, these new surveys are necessary in order to evaluate how the different designs for the interchange (for example, the "diamond" interchange; the "diverging diamond" interchange; the "diamond interchange with roundabout intersections; as described in the "Project Study Report-Project Development Support (PSR-PDS) To Request Scope Approval of Projects-funded-by-others In San Diego County near Escondido on Interstate 15 from 0.6 Mile South to 0.6 Mile North of Deer Springs Road Overcrossing," dated August 2015 [Enclosure 3]) may affect potential habitat and the nesting pair of gnatcatchers in the vicinity of the existing interchange.

Federal agency biologists expressed substantial concern about the project's potential impacts on gnatcatchers and habitat, writing in March 2017: "From the preliminary information we have received, the project will remove occupied CSS near the I-15 corridor supporting 1 gnatcatcher pair. ... Although unoccupied CSS exists in the southern interior section of the project site, this CSS also falls within the development footprint. Thus, birds displaced birds from existing occupied habitat cannot be expected to disperse to nearby unoccupied habitat onsite. Likewise, CSS within the northern portion of the site is already occupied. Based on this preliminary assessment, take of the gnatcatcher pair near the I-15 corridor is likely." (Enclosure 4.)

Accordingly, the Newland project must conduct updated gnatcatcher surveys before it may continue under the CEQA process in order to assess the potential for take and to analyze and/or recommend mitigation. Failure to do so is a violation of CEQA.

5. The failure to conduct updated gnatcatcher surveys violates the General Plan. Failure to update the gnatcatcher surveys violate the following General Plan goals and policies, as set forth below.

GOAL COS-1

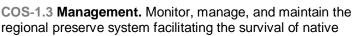
Inter-Connected Preserve System. A regionally managed, inter-connected preserve system that embodies the regional biological diversity of San Diego County.

Policies

COS-1.1 Coordinated Preserve System. Identify and develop a coordinated biological preserve system that includes Pre-Approved Mitigation Areas, Biological Resource Core Areas, wildlife corridors, and linkages to allow wildlife to travel throughout their habitat ranges.

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COS-1.2 Minimize Impacts. Prohibit private development within established preserves. Minimize impacts within established preserves when the construction of public infrastructure is unavoidable.





species and the preservation of healthy populations of rare, threatened, or endangered species. COS-1.4 Collaboration with Other Jurisdictions. Collaborate with other jurisdictions and trustee agencies to achieve well-defined common resource preservation and management goals. COS-1.10 Public Involvement. Ensure an open, transparent, and inclusive decision-making process by involving the public throughout the course of planning and implementation of habitat conservation plans and resource management plans.

COS-2.1 Protection, Restoration and Enhancement. Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate. COS-2.2 Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.

As noted, the federal agencies have requested updated surveys, but Newland has chosen that it will not perform those surveys until next year: ""The Applicant is aware that updated surveys will need to be done. They can't do those this year because of their EIR process doesn't want updated surveys. So they plan on conducting updated surveys next year." (See Enclosure 5.) If that is the case, then the processing of Newland's EIR must be delayed until next year, when those surveys can be performed. Clearly, the failure to update the gnatcatcher surveys is inconsistent with COS-1.1, 1.2, 1.3, 1.4, 2.1, and 2.2. In addition, the active attempts by lobbyists to exclude and sideline expert biologists in the Fish and Wildlife Service is inconsistent with COS-1.10. (See Enclosure 6a and 6b.) And, even though much of the Newland site is designated as "critical habitat" for the gnatcatcher by the U.S. Fish and Wildlife Service, no effort has been made to avoid this critical habitat or even avoid occupied areas of gnatcatcher habitat. The draft EIR fails to include an alternative to keep development out of designated critical habitat or occupied gnatcatcher habitat.

Newland should be required to acquire adequate mitigation lands to account for the loss of PAMA. In December 2015, expert biologists at the U.S. Fish and Wildlife Service noted that mitigation lands should be of adequate biological value: "[S]ome properties are considered of greater biological value than others ... Because the proposed Newland Sierra development will result in a loss of wildlife habitat originally identified to be part of the Draft North County MSCP preserve, acquisition of PAMA lands planned for development helps ensure that there is no net loss of PAMA acreage and that the anticipated size and configuration of the planned preserve can be achieved. ... Conservation of the Hoospack or Pankey properties, while not insignificant, will not assist in maintaining the scope of PAMA lands needed to assemble the preserve anticipated by the Draft North County MSCP." (Enclosure 7.) Newland later claimed that the Service's requests were "financially infeasible, both in project design and acquisition of specific, additional off-site mitigation." However, the Applicant's conclusory assertion of economic infeasibility is insufficient under CEQA. (See, e.g., County of San Diego v. Grossmont-Cuyamaca Community College (2006) 141 Cal.App.4th 86, 108.) Accordingly, Newland must acquire comparatively valuable land in terms of biological conservation and preservation of PAMA acreage to avoid fatally prejudicing the North County MSCP. Failure to do so without substantial evidence of "financial infeasibility" would mean that the County could not approve this project, due to the requirements of CEQA. (See, e.g., Woodward Park Homeowners Assn., Inc. v. City of Fresno (2007) 150 Cal. App. 4th 683: Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 599, 602.)



- Collaboration with Other Jurisdictions. Collaborate with other jurisdictions and trustee agencies to achieve well-defined common resource preservation and management goals.
- COS-1.5 Regional Funding. Collaborate with other jurisdictions and federal, state, and local agencies to identify regional, long-term funding mechanisms that achieve common resource management goals.
- COS-1.6 Assemblage of Preserve Systems. Support the proactive assemblage of biological preserve systems to protect biological resources and to facilitate development through mitigation banking opportunities.
- COS-1.7 Preserve System Funding. Provide adequate funding for assemblage, management, maintenance, and monitoring through coordination with other jurisdictions and agencies.
- Multiple-Resource Preservation Areas. Support the acquisition of large tracts of land that have COS-1.8 multiple resource preservation benefits, such as biology, hydrology, cultural, aesthetics, and community character. Establish funding mechanisms to serve as an alternative when mitigation requirements would not result in the acquisition of large tracts of land.
- COS-1.9 Invasive Species. Require new development adjacent to biological preserves to use non-invasive plants in landscaping. Encourage the removal of invasive plants within preserves.
- COS-1.10 Public Involvement. Ensure an open, transparent, and inclusive decision-making process by involving the public throughout the course of planning and implementation of habitat conservation plans and resource management plans.
- COS-1.11 Volunteer Preserve Monitor. Encourage the formation of volunteer preserve managers that are incorporated into each community planning group to supplement professional enforcement staff.

GOAL COS-2

Sustainability of the Natural Environment. Sustainable ecosystems with long-term viability to maintain natural processes, sensitive lands, and sensitive as well as common species, coupled with sustainable growth and development.

Policies

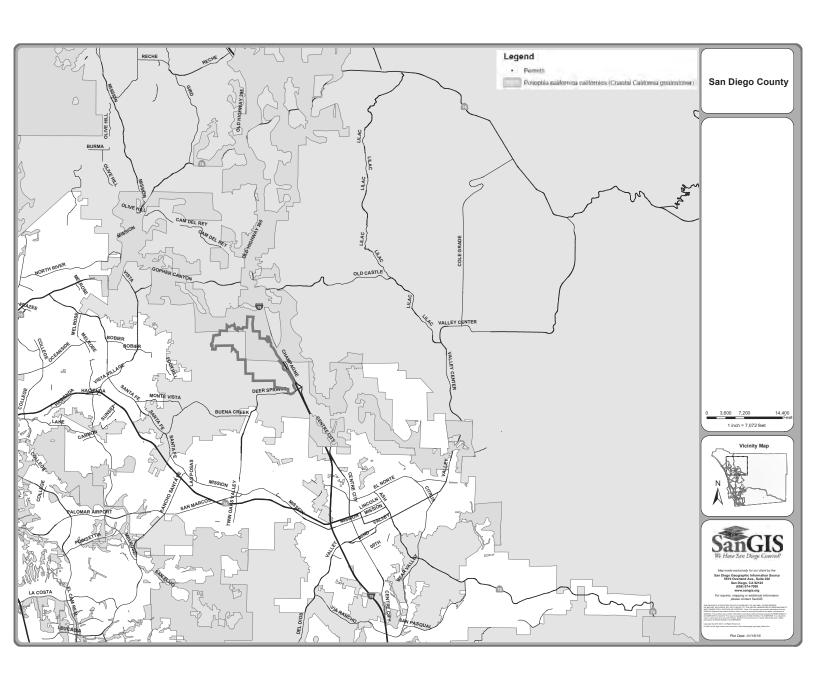
COS-2.1 Protection, Restoration and Enhancement. Protect and The preservation of existing native enhance natural wildlife habitat outside of preserves as plants and the planting of a variety development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.

of native (genetically locally adapted) or compatible non-native, non-invasive plant species enhance wildlife habitat areas.

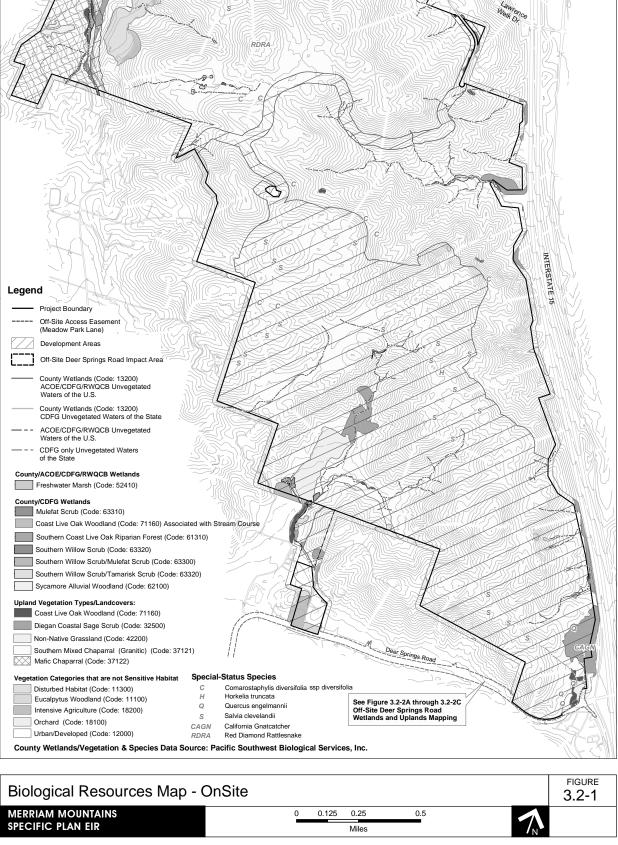
Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.

GOAL COS-3

Protection and Enhancement of Wetlands. Wetlands that are restored and enhanced and protected from adverse impacts.



Merriam Mountains' EIR, Biological Resources Map (2009) RDRA Legend Project Boundary Off-Site Access Easement (Meadow Park Lane) Development Areas Off-Site Deer Springs Road Impact Area County Wetlands (Code: 13200) ACOE/CDFG/RWQCB Unvegetated Waters of the U.S. County Wetlands (Code: 13200) CDFG Unvegetated Waters of the State ACOE/CDFG/RWQCB Unvegetated Waters of the U.S. CDFG only Unvegetated Waters County/ACOE/CDFG/RWQCB Wetlands Freshwater Marsh (Code: 52410) County/CDFG Wetlands Mulefat Scrub (Code: 63310) Coast Live Oak Woodland (Code: 71160) Associated with Stream Course Southern Coast Live Oak Riparian Forest (Code: 61310) Southern Willow Scrub (Code: 63320) Southern Willow Scrub/Mulefat Scrub (Code: 63300) Southern Willow Scrub/Tamarisk Scrub (Code: 63320) Sycamore Alluvial Woodland (Code: 62100) Upland Vegetation Types/Landcovers: Coast Live Oak Woodland (Code: 71160) Diegan Coastal Sage Scrub (Code: 32500) Non-Native Grassland (Code: 42200) Southern Mixed Chaparral (Granitic) (Code: 37121) Mafic Chaparral (Code: 37122) Special-Status Species Vegetation Categories that are not Sensitive Habitat C H Comarostaphylis diversifolia ssp diversifolia Disturbed Habitat (Code: 11300) Horkelia truncata



Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Protocol Revised - July 28, 1997

The coastal California gnatcatcher (*Polioptila californica californica*) was listed as threatened on March 25, 1993, under the Endangered Species Act of 1973, as amended (Act). The final rule for this action was published in the Federal Register on March 30, 1993 (58 Federal Register 16742). On December 10, 1993, pursuant to section 4(d) of the Act, the U.S. Fish and Wildlife Service (Service) defined specific conditions associated with certain land use activities under which incidental take of coastal California gnatcatchers and their habitat would not be a violation of section 9 of the Act (58 Federal Register 65088).

The coastal California gnatcatcher, a small gray songbird, is a resident of scrub dominated plant communities from southern Ventura County southward through Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California into Baja California, Mexico, to approximately 30 degrees North latitude near El Rosario (American Ornithologists' Union 1957; Atwood 1980, 1990; Jones and Ramirez 1995). The coastal California gnatcatcher is strongly associated with sage scrub in its various successional stages.

The majority of plant species found in sage scrub are low-growing, drought-deciduous shrubs and sub-shrubs, including California sagebrush (Artemisia californica), California buckwheat (Eriogonum fasciculatum), and sages (Salvia mellifera, S. apiana) (Holland 1986, Sawyer and Keeler-Wolf 1995). Other commonly occurring species include lemonadeberry (Rhus integrifolia), coast goldenbush (Isocoma menziesii), laurel sumac (Malosma laurina), boxthorn (Lycium spp.), cliff spurge (Euphorbia misera), and jojoba (Simmondsia chinensis). Succulent species, such as cacti (Opuntia littoralis, O. prolifera, Ferocactus viridescens), and Dudleya spp. are represented in maritime succulent and southern coastal bluff scrubs. Sage scrub often occurs in a patchy, or mosaic, distribution pattern throughout the range of the coastal California gnatcatcher. Coastal California gnatcatchers also use chaparral, grassland, and riparian plant communities where they occur adjacent to or intermixed with sage scrub. Although existing quantitative data may reveal relatively little about coastal California gnatcatchers use of these other habitats, these areas may be critical during certain times of year for dispersal or as foraging areas during inclement conditions (e.g., drought). Breeding territories also have been documented in non-sage scrub habitat (e.g., chaparral and grassland/ruderal habitat). The breeding season of the coastal California gnatcatcher extends from about February 15 through August 30, with the peak of nesting activity occurring from mid-March through mid-May. Incubation takes 14 days. The young fledge at 8 to 13 days of age and are dependent upon their parents for as little as three to four weeks (ERCE 1990), but fledglings may associate with their parents for several months.

This protocol is based on the best available scientific information regarding the detectability of the coastal California gnatcatcher and is subject to change pending receipt of additional pertinent scientific data. Information used to create this protocol included: Braden and Woulfe (1995a, 1995b), Brussard et al. (1992), Mock et al. (1990), and other unpublished information in the Service files.

The following protocol is issued as guidance to section 10(a)(1)(A) permittees. A section 10(a)(1)(A) permit under the Act shall be obtained prior to initiating any field surveys. Any surveys not conducted under a valid 10(a)(1)(A) permit will not be accepted by the Service. Failure to obtain a scientific permit prior to survey work may result in violation(s) of section 9 of the Act.

- I. Coastal California gnatcatcher surveys shall be completed by permitted biologists if proposed projects are located within the historic range of this species and contain sage scrub plant communities including, but not limited to, Venturan coastal sage scrub, Diegan coastal sage scrub, Riversidean sage scrub, maritime succulent scrub, and/or alluvial fan sage scrub vegetation; chaparral and native/non-native grasslands when intermixed or ecotonal with sage scrub vegetation; and riparian vegetation when ecotonal to sage scrub vegetation.
- II. The permittee shall notify the Recovery Permit Coordinator, Carlsbad Field Office, in writing, of the intent to conduct coastal California gnatcatcher surveys at least 10 working days prior to the anticipated start date. Information provided with this notification should include the location of the survey area on a 1:2000 U.S. Geological Survey topographic quadrangle map and the names and permit numbers of the survey personnel. Surveys shall be conducted according to survey protocol unless changes are authorized, in writing, by the Service. Protocol surveys are valid for a period of one year. Issues relative to the suitability of habitat and the need for surveys as indicated in the protocol or proposed revisions to said protocols should be raised at the time of the 10-day notice as the Service is available to discuss individual circumstances.
- III. <u>Jurisdictions participating in the NCCP interim section 4(d) process</u>:

 The number of surveys conducted within active NCCP areas is based on the prior recommended guidelines and the fact that, through the interim section 4(d) process, loss of coastal sage scrub requires mitigation on a habitat basis, regardless of whether habitat is occupied by coastal California gnatcatchers. In circumstances where this protocol differs from an approved NCCP or signed implementing agreement, the survey requirements in the approved plan will override.
 - Surveys may be conducted throughout the year within active NCCP areas, however, surveys conducted from February 15 and August 30 are preferred. A minimum of **three** (3) surveys shall be conducted at least one week apart, to determine presence/absence of coastal California gnatcatchers.

IV. All other jurisdictions:

Survey protocol for presence/absence of coastal California gnatcatchers in non-NCCP areas are as follows:

- From March 15 through June 30, a minimum of **six** (6) surveys shall be conducted at least one week apart. The protocol for the breeding season was designed to provide a 95% confidence level of detecting coastal California gnatcatchers at a site when they are present. Note that the duration of breeding season surveys (i.e., March 15 through June 30) is different because the coastal California gnatcatcher's detectability was determined within this fourteen week time period.
- From July 1 through March 14, a minimum of **nine** (9) surveys shall be conducted at least two weeks apart.
- V. Surveys shall be conducted between 6:00 a.m. and 12:00 p.m. Surveys shall avoid periods of excessive or abnormal heat, wind, rain, fog, or other inclement weather.
- VI. Taped coastal California gnatcatcher vocalizations shall be used only until individuals have been initially located. Tapes shall not be used frequently or to elicit further behaviors from the birds.
- VII. Surveys shall be conducted by slowly walking survey routes. Sites with deep canyons, ridge lines, steep terrain, and thick shrub cover should be surveyed more slowly. Prevailing site conditions and professional judgment must be applied to determine appropriate survey rates and acreage covered per day. These factors may dictate that the maximum daily coverage specified below is not prudent under certain conditions.

Jurisdictions participating in the NCCP interim section 4(d) process:

• No more than 100 acres (40 ha) of suitable coastal California gnatcatcher habitat shall be surveyed per biologist per day.

All other jurisdictions:

- No more than 80 acres (32 ha) of suitable California gnatcatcher habitat shall be surveyed per biologist per day.
- VIII. No attempts shall be made to closely approach or examine coastal California gnatcatcher nests unless authorized by Service permits.
 - IX. The permittee shall provide the following information in a report to the appropriate Service Fish and Wildlife Office, described above, and the California Department of Fish and Game within 45 days following the field surveys.
 - a. The location of the survey area delineated on a 7.5 minute U.S. Geological Survey topographic map at 1:24,000 and 1:200 scale.

- b. Names of all biologists and associated personnel with reference to their section 10(a)(1)(A) permit number. A complete description of survey methods, including, the number of acres surveyed per biologist per hour and how many total acres surveyed per day per biologist, the number and dates of surveys, start and stop time of surveys, survey routes delineated on maps, the temperature and weather conditions at the beginning and end of each survey, and how frequently taped vocalizations were used.
- c. Written and mapped qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed.
- d. The number, age (adult, independent juvenile, dependent juvenile, recently fledged juvenile, nestling, unknown), sex of all coastal California gnatcatchers, and color band information (from top to bottom and from left to right) if any. These data also shall be plotted on 1:24,000 and 1:200 scale maps of the survey area.
- e. Copies of all reports or other documents that include information gathered under the authority of Service permits (e.g., reports for clients prepared by consulting firm) shall be submitted to the Carlsbad Field Office immediately upon completion. Raw/field data, notes, and other information resulting form work conducted under this permit shall be submitted to the Service immediately upon request.

This protocol was prepared by the Service's Carlsbad Field Office, 6010 Hidden Valley Road, Carlsbad, California 92009. If you have any questions regarding the protocol please Call (760) 431-9440.

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