

**A-1 United States Department of the Interior  
Fish and Wildlife Service**

Comment Letter A-1



**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-15B0150-17CPA0166

August 14, 2017  
*Sent by Email*

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

Subject: 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 U.S. Fish and Wildlife Service (Service) has reviewed the draft habitat loss permit (HLP) for the proposed Newland Sierra project that was included as an attachment to the draft environmental impact report (DEIR) received on June 15, 2017. The comments provided in this letter are based on information in the documents provided; Megan Jennings' April 2017 Merriam Mountains Wildlife Connectivity Review; multiple meetings and discussions with San Diego County (County) staff and representatives of the project proponent; and our ongoing regional conservation planning efforts for the North County Multiple Species Conservation Program (NC-MSCP) plan.

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.*), including habitat conservation plans (HCP) developed under section 10 of the Act. The County has signed a Planning Agreement with the California Department of Fish and Wildlife (Department) and the Service, hereafter referred to as the Wildlife Agencies, for the development of the draft NC-MSCP, and this Natural Community Conservation Program/Habitat Conservation Plan (HCP) is currently in development for unincorporated lands in north San Diego County.

The 1,985-acre project site is located west of Interstate 15, north of Deer Springs Road, and east of Twin Oaks Valley Road in unincorporated San Diego County. The project includes residential and commercial development, parks, a school, and biological open space. It is located within a core habitat area within the Pre-Approved Mitigation Area (PAMA) for the NC-MSCP. Merriam Mountains represents one of only 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 interspersed with patches of Diegan coastal sage scrub, live oak woodlands, and

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southern willow scrub. In addition, the habitat evaluation maps for the 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 for the NC-MSCP.

The proposed project would permanently impact 776.6 acres on site, including 54.5 acres of coastal scrub on site and approximately 72 acres off site. The project proponent proposes to mitigate these impacts through the designation of 1,209.1 acres of onsite biological open space and the purchase of an additional 211.8 acres off site. Onsite impacts would also permanently impact the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher). The project proponent may be applying for an HLP to allow for the incidental take of the gnatcatcher and loss of coastal sage scrub pursuant to the 4(d) special rule for gnatcatcher under the Act.

We offer the following comments and recommendations to assist the County and project proponent in addressing the findings needed for the HLP process:

1. We recommend the findings and conclusions be revised to focus on the project's consistency with the Interim Project Preserve Design Principles because the Wildlife Agencies have not conducted our review of the plan and associated conservation analysis of the draft NC-MSCP.
2. Very few areas remaining within the NC-MSCP plan boundary support blocks of native vegetation greater than 500 acres. Therefore, we recommend consideration of a scaled-back alternative that would minimize project impacts to the proposed PAMA for the NC-MSCP and maintain wildlife connectivity and a large, core habitat area.
3. To ensure the long term viability of the proposed onsite open space in the southern and eastern portions of the site, we recommend that the project consider including wildlife crossing structures as well as associated fencing to reduce mortality effects of the roadways and maintain connectivity within the project site as well as this portion of the PAMA. We are available to work with the County and the project proponent on the siting and design of these structures.
4. The HLP findings make reference to an offsite mitigation area to offset project impacts to the gnatcatcher and coastal sage scrub. The proposed mitigation site is located on the eastern edge of the planning area where gnatcatchers are not expected to be found. We recommend that impacts to the gnatcatcher be addressed through conservation of occupied coastal sage scrub as close to the affected area as feasible and preferably within the affected planning unit. We are available to work with you and the project proponent to identify suitable mitigation sites.
5. We request the opportunity to review and provide comments on the Resource Management Plan, as well as the proposed final language for both the biological open space easements and limited-building-zone easements, prior to approval by County officials.

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We appreciate the opportunity to provide comments and look forward to further coordination with the County on this project. If you have questions regarding this letter, please contact Susan Wynn at (760) 431-9440, ext. 216.

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Sincerely,

JONATHAN  
SNYDER

 Digitally signed by JONATHAN  
SNYDER  
Date: 2017.08.14 17:28:11 -0700

for Karen A. Goebel  
Assistant Field Supervisor

cc:  
Gail Sevens, Department, San Diego

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