

## O-2.2 Hamilton Biological

Comment Letter O-2.2



August 11, 2017

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Department of Planning and Development Services  
5510 Overland Avenue, Third Floor  
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**SUBJECT: REVIEW OF BIOLOGICAL RESOURCE ISSUES  
DRAFT EIR FOR THE NEWLAND SIERRA PROJECT  
COUNTY OF SAN DIEGO COUNTY, CALIFORNIA**

Dear Ms. Smith,

On behalf of the Endangered Habitats League, Hamilton Biological, Inc., has reviewed biological resource issues associated with the proposed Newland Sierra project, located on a site covering 1,985 acres in the Merriam Mountains, north of Escondido, south of Bonsall, and west of Interstate 15. The proposed residential/commercial project, located in the County of San Diego (County), includes 407 acres of grading impacts and 370 acres of fuel management impacts, as well as off-site impacts for road and sewer improvements. Hamilton Biological is a consultancy specializing in field reconnaissance, regulatory compliance, preparing CEQA documentation, and providing third-party review of CEQA documentation. Please refer to the attached curriculum vitae.

The purpose of this review is to (a) identify any areas in which the document reaches conclusions not supported by adequate field work or review of the scientific literature; (b) identify and discuss any biological impact analyses not consistent with CEQA, its guidelines, or relevant precedents; (c) evaluate the potential effects of the proposed project on the draft North County Multiple Species Conservation Plan (NC-MSCP); and (d) recommend any appropriate changes to impact analyses, mitigation measures, alternatives analyses, and/or resource management practices so as to avoid or minimize to the maximum extent practicable any potentially significant impacts to biological resources, as required under CEQA.

In conjunction with my review, I referred to the following relevant documents:

- California Dept. of Fish & Wildlife. 2015. 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. Comment letter dated March 12, 2017, re: a 2015 DEIR for the project site, submitted to the County of San Diego by Gail K. Sevrens, Environmental Program Manager, South Coast Region.

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- Dudek. 2015. Fire Protection Plan for the Newland Sierra Project. "Approval Draft" dated May 2015, prepared for the County of San Diego; Appendix N to the DEIR.
- Dudek. 2016. Newland Sierra Off-Site Mitigation Memo. Memorandum dated December 27, 2016, from Brock Ortega of Dudek to Rita Brandin of Newland Sierra LLC.
- Dudek. 2017. Biological Resources Technical Report for the Newland Sierra Project, San Diego County, California. Report dated June 2017, prepared for the County of San Diego; Appendix H to the DEIR.
- Dudek. 2017. Resource Protection Plan for the Newland Sierra Project, San Diego County, California. Report dated April 2017, prepared for the County of San Diego; Appendix H-2 to the DEIR.
- Jennings, M. 2017a. Merriam Mountains Wildlife Connectivity Review. Report dated April 18, 2017.
- Jennings, M. 2017b. Landscape Connectivity Issue Review, Newland Sierra June 2017 DEIR. Report dated August 1, 2017 prepared for Latham & Watkins LLP.
- County of San Diego. 2017. Working Draft of the Multiple Species Conservation Plan (MSCP) — North County Plan. Draft plan, subject to change, dated May 23, 2017.

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**MAPPING QUALITY**

Even using an iMac with a very large, high-resolution screen, I found some of the more important figures in the Biological Resources section of the DEIR impossible to effectively read and interpret. Due to the small size of the icons, fuzzy rendering of the PDF, and the choice of screens used, Figures 2.4-5A, 2.4-5B, 2.4-5C, and 2.4-5-D (Biological Resources) and Figures 2.4-9A, 2.4-9B, 2.4-9C, and 2.4-9D (Impacts to Biological Resources) were frustrating to attempt to interpret. Tiny triangles could not be effectively distinguished from tiny circles or tiny squares. The same graphics were used in Appendix H to the DEIR (Biological Resources Technical Report), but were provided at higher resolution, so the shapes could be distinguished from each other, but with some difficulty.

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**BIOLOGICAL SURVEYS CONDUCTED DURING DROUGHT CONDITIONS**

The project biologists found relatively few sensitive biological resources on this large, mostly undisturbed site. The region experienced severe drought that lasted from 2011/2012 to 2015/2016. The unusually dry conditions in 2013 and 2014, when most of the surveys were conducted, undoubtedly depressed populations of many plants and wildlife in the area. Additional surveys for plants and wildlife during winter/spring 2016/2017, after the drought broke, may have yielded different results, especially for annual plants that may not have even sprouted during the height of the drought.

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Below-average precipitation is known to adversely affect populations of the California Gnatcatcher and other passerine birds associated with coastal sage scrub habitat (e.g., Erickson, R. A. and Miner, S. L. 1998. *Six years of synchronous California Gnatcatcher population fluctuations at two locations in coastal Orange County, California*. *Western Birds* 29:333-339; Bolger, D. T., Patten M. A., and Bostock D. C. 2005. *Avian reproductive failure in response to an extreme climatic event*. *Oecologia* 142:398-406). Populations of California Gnatcatchers and other birds certainly would have been depressed at the time when the most recent surveys were conducted.

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The County and EIR preparer should acknowledge that the results of the surveys conducted for this project under-represent the resources likely to be found on the site during periods of near-normal, normal, or above-normal precipitation. Failure to update the drought-affected surveys of 2013 with additional surveys during 2016/2017, after the drought finally broke, represents an inadequacy of the CEQA document because reliance on four-year-old surveys that were conducted during a multi-year drought calls into question the credibility of the reported findings (or lack thereof).

**IMPACTS TO THE CALIFORNIA GNATCATCHER**

The proposed project would remove 56.7 acres of habitat occupied by the California Gnatcatcher, a significant impact. Page 2.4-37 states, "Focused surveys for California gnatcatcher on the project Site resulted in the detection of two pairs and various individuals." Also:

Individuals have variously been anecdotally detected within other patches of sage scrub on Site. Calls of this species were also detected by an experienced and permitted biologist within the matrix of southern mixed chaparral and disturbed habitat in the western section of the abandoned landing strip (Figures 2.4-5A through 2.4-5E). Occurrences for this species were recorded in the southeastern portion of the Site in 2002-2003 (CDFW 2014c; USFWS 2014), with numerous occurrences documented throughout the vicinity in surrounding areas.

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Reviewing Figures 2.4-5A through 2.4-5E, I see one sighting represented in the northern part of the site and two in the southeastern part, for a total of three gnatcatcher icons. Thus the mapping does not indicate each of the locations on the site where this federally threatened species has been recorded over the years. Failure to provide this relevant information impairs the ability of readers to evaluate the proposed project in the full context of what is known.

Appendix E to Appendix H of the DEIR is the project proponent's draft application for a Habitat Loss Permit (HLP) for the proposed project. The relevant part of Table 4-1 from the HLP application is excerpted on the following page of this letter. As shown in Table 4-1, the on-site open space would conserve only 25.2 acres of coastal sage scrub and scrub/chaparral transition. This compares unfavorably with the 56.7 acres of occupied California Gnatcatcher habitat (including 2.2 acres of permanent off-site impacts to

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coastal sage scrub not accounted for in the table above) that would be impacted by project implementation.

**Table 4-1  
Summary of Impacts, Mitigation, and Open Space for  
Vegetation Communities and Jurisdictional Areas (Acres)**

Habitat Types/Vegetation Communities	On-Site Existing Acreage	Total On-Site Impacts <sup>1</sup>	Total Off-Site Impacts <sup>2</sup>	Mitigation Ratio	Mitigation Required	On-Site Open Space <sup>3</sup>	Off-Site Mitigation Area	Mitigation Excess/ (Deficit)
<i>Coastal Scrub</i>								
Diegan coastal sage scrub (including disturbed)*	88.2	45.6	0.5	2:1	92.2	22.6	106.4	36.8
Coastal sage scrub – Baccharis dominated (including disturbed)	2.0	1.5	—	2:1	3.0	0.5	—	(2.5)
Flat-topped buckwheat – disturbed*	1.7	0	—	2:1	0	1.7	—	1.7
Coastal sage – chaparral transition*	7.8	7.4	1.7	2:1	18.2	0.4	—	(17.8)
<i>Subtotal</i>	<i>79.7</i>	<i>54.5</i>	<i>2.2</i>	<i>N/A</i>	<i>113</i>	<i>25.2</i>	<i>106.4</i>	<i>18.2</i>

Page 2.4-125 of the DEIR states:

The significant long-term direct impacts to coastal California gnatcatcher as a result of removal of suitable habitat would be reduced to less than significant through implementation of mitigation measures M-BIO-8A through M-BIO-8E, which would provide commensurate on- or off-site habitat management and conservation that is demonstrated to contain habitat for these species [sic]. The proposed project has been incorporated into the overall conservation strategy of the County's draft North County Plan, and the development areas and biological open space areas of the proposed project are identified as proposed hardline areas in the draft North County Plan (County of San Diego 2016). Loss of coastal sage scrub and any associated incidental take of California gnatcatcher would be authorized through the County's Section 4(d) HLP process or through Section 7 consultation with the US Army Corps of Engineers and the USFWS. A Draft Habitat Loss Permit, including 4(d) findings has been provided in Appendix H of this EIR. As demonstrated by the incorporation of the proposed project as a proposed hardline area in the draft North County Plan and by the draft HLP findings provided in Appendix H, the loss of coastal sage scrub associated with the proposed project would be consistent with the NCCP Guidelines, County's draft North County Plan, and the Section 4(d) Rule.

In a finding without precedent that I'm aware of, the project biologists have determined that removing two-thirds of this listed species' required habitat (56.7 acres) would not represent a significant impact under CEQA, simply because the remaining fragments would be maintained and monitored. This is not a credible impact analysis. Applying any reasonable standard, and citing any comparable precedent, a significant impact to the California Gnatcatcher would remain after mitigation.



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The rest of the paragraph quoted above *implies* that the project proponent should receive special consideration in terms of gnatcatcher mitigation because the preserved parts of the site, as well as the proposed off-site mitigation area 22 miles away, northeast of Ramona, would eventually be incorporated into the NC-MSCP. But the off-site mitigation parcel lies within a different NC-MSCP planning area and that lies **outside of the range of the California Gnatcatcher** (Unitt, P. 2004. *San Diego County Bird Atlas*. Proc. San Diego Nat. His. Mus. 39). That is to say, the San Diego Bird Atlas shows no entries for this species in the survey blocks that include the off-site mitigation area. For reasons discussed below, the map in the Bird Atlas appears to to closely approximate the gnatcatcher's actual range in the Ramona area.

As stated on Page 1-74 of Appendix H to the DEIR, "more than 99 percent of the known California gnatcatcher locations occurred below 2,500 feet AMSL (65 FR 63680)." The nearest entry in eBird for the California Gnatcatcher is 4.5 miles southwest of the off-site mitigation area, on Woods Hills Lane in Ramona (two birds recorded at approximately 1900 feet elevation on September 11, 2011; www.eBird.org). Proceeding along Highway 78, northeast of Ramona, the elevation steadily increases, and where the highway first intersects with the proposed off-site mitigation area the elevation is approximately 2,515 feet (as shown in Google Earth Pro). Elevations of the off-site mitigation area appear to range from approximately 2,515 feet, in the southwestern corner of the site, to 3,043 feet at the peak of Whale Mountain, in the southeastern part of the site. Remarkably, I was not able to find any reference to the elevation range of the off-site mitigation area, either in the DEIR or in the memorandum dated December 27, 2016, that Dudek prepared for Newland Sierra LLC. Normally, the elevation range of a given study site is an important piece of information provided in biological reports of this nature. Thus, in addition to being outside the range of the gnatcatcher reported in the scientific literature and eBird, the off-site mitigation area lies at an elevation greater than that of 99% of all records of the California Gnatcatcher. This is highly relevant information that should be reported in the DEIR.

Instead, as discussed subsequently in these comments, the Resource Protection Plan for the project explicitly states that the off-site mitigation area "provides habitat for" the California Gnatcatcher. This, despite (a) the project biologists having failed to find gnatcatchers in the off-site mitigation area; (b) 99% of records of the species occurring at lower elevations; and (c) the site lying outside the known range of the gnatcatcher. Given that the off-site mitigation area has no apparent conservation value for the California Gnatcatcher, it should not be granted any consideration in terms of mitigating this project's significant adverse effects upon the habitat for this listed species.

The DEIR also vaguely gestures toward the idea the draft NC-MSCP might perhaps provide whatever additional mitigation the Newland Sierra project would require to reduce impacts to the California Gnatcatcher and its habitat to below the level of significance. As discussed in the next section of these comments, however, this line of reasoning does not hold water.

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**RELATIONSHIP OF PROJECT TO DRAFT NC-MSCP PLANNING**

Under the draft NC-MSCP, the Newland Sierra project site is placed within the Gopher Canyon – Twin Oaks Planning Unit, and the entire site is classified as Pre-Approved Mitigation Area (PAMA). The site occupies one of three remaining large blocks of natural open space in San Diego County west of Interstate 15. As discussed in the letter from Gail Sevrens of CDFW in the letter dated March 12, 2015, and analyzed in greater depth by Dr. Megan Jennings (2017a, 2017b), the project site serves as a critical area for wildlife movement and connectivity at a local scale. As stated by Dr. Jennings (2017b, p. 4):

The determination to place this area into hardline is in direct conflict with the management goals of the NC MSCP and is based on an inadequate assessment of connectivity and is in direct conflict with Wildlife Corridor Conservation Goal and Actions (p. 5-83) stated in the Draft NC MSCP dated May 2017.

Dr. Jennings' comprehensive analysis stands on its own, and need not be extensively repeated in these comments. I will, however, focus on one aspect of her letter and provide some relevant NCCP planning context. As discussed on Page 5 of her analysis:

Although the proposed open space design for the Newland Sierra project approaches that total acreage goal [of 1,250 acres for a "Core Habitat Area"], it does not meet the standard for contiguous intact habitat without permanent internal fragmentation. The Merriam Mountain area is currently considered a functioning core habitat area but the proposed project would degrade and fragment the habitat to a degree that would reduce its functioning as a core area, reducing permeability for wildlife and creating permanent barriers to wildlife movement. The Newland Sierra DEIR did not analyze the impacts of fragmentation that would be caused by the development and associated cumulative effects.

The weight of scientific evidence suggests that effective and functional corridors are continuous (i.e., not bisected by roads or other anthropogenic features; Bennett *et al.* 1994, Forman 1995, Tilman *et al.* 1997, Brooker *et al.* 2001), wide enough to provide adequate habitat not affected by edge effects (Hilty *et al.* 2006), of high or higher quality than larger core habitat patches (Tilman *et al.* 1997), and dominated by native vegetation (Bennett 1991). The proposed open spacedesign for the Newland Sierra project ignores the best available science, maximizing the amount of edge in small habitat blocks separated by roads, housing, and fuel management zones that will become dominated by non-native vegetation.

When the DEIR claims on Page 2.4-125 that "The proposed project has been incorporated into the overall conservation strategy of the County's draft North County Plan," a reader would be led to understand that the proposed project conforms to the NCCP's preserve-design principles (Noss, R., Beier, P., Falkner, D., Fisher, R., Foster, B., Griggs, T., Kelly, P., Opdycke, J., Smith, T., and Stine, P. 2001. *Independent Science Advisors' Review North County Subarea Plan, County of San Diego, Multiple Species Conservation Plan. Part I: Review of Habitat Model, with Suggestions for Conservation Planning Principles, Species Coverage, and Adaptive Management.* Report dated July 1, 2001, prepared for County of San Diego). This is not the case, however, as the design of the proposed project violates five of the eight NCCP preserve-design principles.

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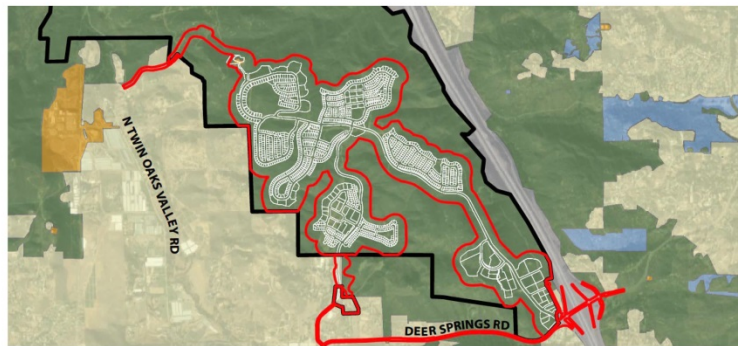
**Principle 1: Conserve target species throughout the planning area: Species that are well-distributed across their native ranges are less susceptible to extinction than are species confined to small portions of their ranges.**

The proposed project would impact two-thirds of the on-site habitat occupied by the federally threatened California Gnatcatcher, one of the target species of the NC-MSCP. Mitigation proposed for impacts to this species – preservation and management of the remnants of coastal sage scrub that would remain on the site – would violate both the letter and spirit of this preserve-design principle.

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**Principle 2: Keep habitat contiguous: Habitat that occurs in less fragmented, contiguous blocks is preferable to habitat that is fragmented or isolated by urban lands.**

The proposed project design involves creating multiple pods of development connected by roads, thereby creating excessive levels of landscape fragmentation and extensive areas of development “edge.” As shown in the figure below, rather than clustering impacts in one or two parts of the site, the project design features *four* pods of development that extend into the middle of a “Core Habitat Area,” all of it designated as PAMA, with roads connecting the pods.



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As one measure of the magnitude of fragmentation/edge effects, the DEIR identifies a massive **370 acres of fuel modification impacts** to native plant communities. This nearly matches the 407 acres of proposed grading impacts. As thoroughly documented in Dr. Jennings’ analysis, the best available science indicates that the two southerly two open space fragments that would remain after project implementation, covering 185 and 154 acres, would be subject to extensive edge effects, fragmentation effects, and road impacts that would substantially diminish their ecological functions and values over time. Nevertheless, without explanation or thorough analysis, the EIR preparer treats them as though they would not be substantially affected by the project. The nor-

therly patch of post-project open space, covering 870 acres, would interface with the proposed project along a development edge measuring 19,400 feet. That is 3.7 miles of edge along the northern development boundary. Although the project biologists have identified certain measures intended to reduce the severity of the project's edge effects, they have stopped short of the full suite of options (which would include prohibiting non-native plant species from landscaping any exterior slope, and providing suitable undercrossings for all roads). No matter how many measures are enacted, the configuration of the proposed project violates egregiously the principle of minimizing fragmentation and maintaining the integrity of large, contiguous blocks of natural habitat.

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**Principle 3: *Link reserves with corridors: Interconnected blocks of habitat serve conservation purposes better than do isolated blocks of habitat. Corridors or linkages function better when the habitat within them resembles habitat that is preferred by target species.***

Despite the acknowledged importance of the site to both north/south and east/west movement through the project vicinity, the project proponent did not conduct a project-specific study of wildlife movement patterns through the project site. The DEIR refers to a 2003 draft report on wildlife movement in the general area (Pacific Southwest Biological Services (PSBS), 2003. Draft Merriam Mountains North San Diego County, California Preliminary Wildlife Movement Study), but failed to provide it as an appendix for public review. The PSBS draft report is of unknown quality and, being 14 years old, cannot reflect the current state of wildlife movement on and around the project site. Furthermore, the 2003 study cannot have employed current, state-of-the-art methods used in movement studies in 2017. Thus, the DEIR does not seriously address this vital issue by collecting current observational data on which species use, or do not use, different movement routes through the site and into adjacent areas. Rather, the DEIR relies upon the subjective opinions of the project biologists, opinions that appear to have no current, reliable, verifiable data backing them. In her comment letter, local wildlife movement specialist Megan Jennings provides a thorough analysis indicating that implementation of the proposed project would be likely to greatly constrain north-south movement of wildlife through the project site, and would also hinder east-west movement across Interstate 15, a considerable portion of which Dr. Jennings expects to utilize the box culvert underneath Interstate 15 just south of Deer Springs Road, as well as the Deer Springs Road overpass.

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Without any recent observational data to refer to, the project biologists have no apparent method of effectively rebutting Dr. Jennings' expert opinion on the critically important issue of whether project implementation would significantly impact movement of wildlife movement through the site. The lack of a current, credible, site-specific wildlife movement study, provided for public review and evaluation, is a serious deficiency of the DEIR that should be remedied before decision-makers vote to approve or deny the proposed project. To do otherwise would be an extremely reckless way of approaching regional conservation planning under the NC-MSCP.



**Principle 4: *Protect reserves from encroachment. Blocks of habitat that are roadless or otherwise inaccessible to human disturbance serve to better conserve target species than do accessible habitat blocks.***

This preserve-design principle specifies that “road impact options — e.g., wildlife crossings, fencing, land bridges — be discussed and recommended as part of the Plan.” And yet, as analyzed in detail on Pages 7 through 11 of Dr. Jennings’ comment letter:

The DEIR includes only minimal and insufficient discussion of the mortality or the barrier effects of roads on sensitive wildlife, core areas, and most importantly, wildlife movement . . . No mitigation to allow wildlife to safely cross under these roads is proposed in the design of the project despite the fact that road construction, grading, and widening are all either immediate components of the proposed project or reasonably foreseeable future actions associated with the project. This is an important omission to both the assessment of project impacts as well as mitigation planning given the many locations where wildlife movement are likely to be affected by roadways in and around the proposed project area.

Furthermore, by increasing the human population on the project site far beyond the level called for in the General Plan, the preserved habitat would experience greater levels of encroachment from people and their pets occupying the new residences than would otherwise occur.

**Principle 5: *... the County should work with local fire agencies to develop fuel modification plant lists for specific developments adjacent to proposed reserve areas . . . and should incorporate reserve-compatible, native, fire resistant plant species.***

Rather than following this principle, the DEIR states that Fuel Modification Zone 1 “will be planted with drought-tolerant, fire-resistive, non-invasive plants from the County Fire Chief’s Association’s Fuel Modification Zone Plant Reference List.” In addition to various native plants that would provide habitat of value numerous native wildlife species, the County’s list includes many non-native landscape species that would be of limited value to wildlife. One requirement for obtaining a Habitat Loss Permit, which this project will require, is that “The habitat loss has been minimized and mitigated to the maximum extent practicable.” Especially considering how remarkably extensive fuel-modification impacts would be for this project, the project proponent should be required to comply with this preserve-design principle. Thus, the project should be conditioned with a requirement to minimize and mitigate fuel modification impacts to the maximum extent feasible, by specifying **only appropriate, locally native** plants within all fuel modification zones on slopes that interface with natural open space.

**Conclusion - Relationship of Project to NC-MSCP Planning**

As discussed herein, and evaluated in greater depth in Dr. Jennings’ analysis, the proposed project **violates five of the eight preserve-design principles** set forth to guide the NC-MSCP planning and development process. Having been involved in preparation of the Natural Communities Conservation Plan (NCCP) for Central and Coastal Orange County during the early and mid 1990s, I am confident that any proposal to establish four “development bubbles” connected by roads extending into the heart of a

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“Core Habitat Area” of that reserve system would have had little chance of being approved by the County of Orange or the Wildlife Agencies responsible for overseeing NCCP planning. In the relatively few instances where NCCP preserve-design principles were relaxed in Central and Coastal Orange County – in development of the Shady Canyon area of Irvine, for example – those conservation trade-offs were made in consideration of The Irvine Company’s dedication of **tens of thousands of acres** of high-quality, minimally fragmented, coastal sage scrub habitat and associated other natural communities. Also importantly, the habitat was dedicated into a fully approved and completed NCCP program that The Irvine Company had invested many years and vast sums of money helping to develop.

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Now, more than two decades after that first NCCP was put into place, the County of San Diego is considering approval of a project that would flaunt a **majority** of the NC-MSCP preserve-design principles by introducing extensive development into the middle of a “Core Habitat Area.” In return, the NC-MSCP program would receive preservation and management of three on-site habitat fragments and a 212-acre site 22 miles away in a different Planning Unit and outside of the range of the California Gnatcatcher. For reasons detailed in Dr. Jennings’ analysis, approval of this grossly non-conforming project could lead to impairment of the ecological function of the Gopher Canyon – Twin Oaks Planning Unit. This represents a potentially significant impact of the project not acknowledged in the DEIR.

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As discussed previously in these comments, the proposed project would remove two-thirds of the California Gnatcatcher habitat on a large site without requiring any meaningful compensation for the impacts to this federally threatened species. Given that the proposed project would violate most of the NC-MSCP preserve-design principles, and would not preserve an area of California Gnatcatcher habitat commensurate with the project’s impacts to this “target species” of the NC-MSCP, the DEIR cannot point to this project’s contributions to the NC-MSCP as reducing the project’s impacts to the gnatcatcher to below the level of significance under CEQA. Thus, under any credible standard, a significant impact to this threatened species would remain after mitigation.

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Consider also that approval of the Newland Sierra project would set an exceedingly damaging precedent for future projects in the NC-MSCP planning area. How could the County and Wildlife Agencies credibly require any other land owner to comply with the NC-MSCP’s preserve-design principles if the proponents of this project conclusively demonstrate that, in practice, those “principles” may be interpreted as mere suggestions that can be safely ignored? In this way, this large, non-conforming project has considerable potential to undermine the capacity for maintaining long-term ecological functions and values in the numerous parcels of open space that must be assembled into the NCCP reserve system for northern San Diego County.

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**PROPOSED EXEMPTION FROM RESOURCE PROTECTION ORDINANCE**

The County’s Resource Protection Ordinance (RPO) establishes special controls on development to protect sensitive lands and prevent their degradation and loss. Page 3 of the proposed project’s Resource Protection Plan (RPP) describes the RPO as follows:

The County of San Diego Board of Supervisors have found that the unique topography, ecosystems, and natural characteristics in San Diego County (County) are fragile, irreplaceable resources that are vital to the general welfare of all residents; that special controls on development must be established for the County’s wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites; and that present methods adopted by the County must be strengthened to guarantee the preservation of these sensitive lands. The Resource Protection Ordinance (RPO) protects sensitive lands and prevents their degradation and loss by requiring a Resource Protection Study for certain discretionary projects. This Resource Protection Plan is intended to preserve the ability of affected property owners to make reasonable use of their land subject to the conditions established by the County RPO. It is the intent of the RPO to increase the preservation and protection of the County’s unique topography, natural beauty, diversity, and natural resources and a high quality of life for current and future residents of San Diego County.

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Page 4 of the RPP states, “The primary purpose of the Resource Protection Plan (RPP) is to serve as the functional equivalent of the County Resource Protection Ordinance (RPO) for the Newland Sierra Project.”

The DEIR and RPP identify permanent impacts to 3.62 acres of RPO-protected wetlands and 12.55 acres of RPO-protected wetland buffers, areas that the RPO identifies as “fragile, irreplaceable resources that are vital to the general welfare of all residents.” The County has a long history of requiring projects to comply with the RPO, whether or not the project includes a plan that the project proponent deems to be “functionally equivalent.” If the County now decides that the RPO can be replaced with a “functional equivalent” any time a developer decides to impact more “fragile, irreplaceable resources that are vital to the general welfare of all residents,” what is the point of maintaining the RPO as part of the San Diego County Code?

Page 4 of the RPP continues:

It is not the intent of this Resource Protection Plan to prohibit development on environmentally sensitive lands, but only to limit the amount of disturbance consistent with the encroachment allowances.

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Is it not the actual intent of this Resource Protection Plan to permit and justify development on environmentally sensitive lands that would be otherwise off-limits under normal enforcement of the RPO?

Page 4 of the RPP continues: “County Staff and the Wildlife Agencies agree that the proposed Newland Sierra Project (project) is not feasible to implement if the County RPO is strictly applied to areas outside of the designated biological open space.” This

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implies that the County and Wildlife Agencies determine that no RPO-compliant project would be feasible to develop on the Newland Sierra project site. Is that the case?

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Page 31 of the RPP states:

Coastal California gnatcatcher was detected on Site during biological surveys, and has the potential to use the project Site for both nesting and foraging. There would be direct and indirect impacts to both suitable nesting and foraging habitat as a result of the proposed project. On-site impacts total 54.5 acres of the 79.7 acres within the project Site. An additional 1.9 acres of coastal sage scrub will be impacted off site as a result of road improvements, for a total of 56.4 acres of coastal sage scrub impact. All of the suitable habitat on site is considered occupied. **To compensate for impacts to occupied habitat beyond those already mitigated on Site, the project applicant has purchased off-site mitigation acreage that provides habitat for the species.** [emphasis added]

As discussed in Brock Ortega's December 2016 memorandum to Rita Brandin of Newland Sierra LLC, Dudek biologists failed to observe any California Gnatcatchers in the off-site mitigation area near Ramona. This should not be surprising since, as discussed previously in these comments, the off-site parcel lies outside of the known range of the California Gnatcatcher, and above the 2,500-foot elevation that represents the upper limit for nearly all sightings of the California Gnatcatcher. **Thus the RPP misleads decision-makers and the public by suggesting that the off-site mitigation area "provides habitat for the species."** Given this verifiable misrepresentation of important facts, decision-makers at the County and Wildlife Agencies, and other readers of the DEIR and RPP, should require a more credible analysis of the project's impacts and development of mitigation measures that will truly address the project's significant impacts.

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#### Conclusion - RPO Exemption

If the County grants the project proponent an exemption from the RPO, especially under the false pretext that the proposed RPP mitigates the project's significant impacts to the California Gnatcatcher, this will be a second way that the Newland Sierra project threatens to undermine the resource-planning process in San Diego County.

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#### MITIGATION FOR INVASIVE PLANT IMPACTS

Mitigation Measure M-BIO-10 addresses potentially significant impacts associated with spread of invasive weeds along development edges:

M-BIO-10 CONTROL OF INVASIVE SPECIES: Weed control treatments shall include all legally permitted chemical, manual, and mechanical methods applied with the authorization of the County of San Diego agriculture commissioner. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a pest control advisor and implemented by a licensed applicator. Where manual and/or mechanical methods are used, disposal of the plant debris shall follow the regulations set by the County of San Diego agriculture commissioner. The timing of the weed control treatment shall be determined for each plant species in consultation with the pest control advisor, County of San Diego agriculture commissioner, and California Invasive Plant Council with the goal of controlling populations before they start producing seeds.

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This measure does not seem to include any mechanisms for determining the number of years invasive weeds would have to be searched for (in perpetuity?), what personnel would search for the weeds, what methods would be used to search for them, frequency of reporting (if any), or how this measure would be enforced by the County. Thus, it is not clear that this mitigation measure would actually reduce this potentially significant impact to below the level of significance. The Orange County chapter of the California Native Plant Society (CNPS) is pioneering an early detection and rapid response program designed to prevent degradation of natural open spaces by new invasive plant species that have started showing up in the region's open spaces in recent years. See [www.occnps.org/invasives/what-is-edrr.html](http://www.occnps.org/invasives/what-is-edrr.html):

Early Detection and Rapid Response (EDRR) is a management approach that capitalizes on our ability to most effectively eradicate invasive plant populations when they are small. By detecting a new invasive plant before it has a chance to spread or build a large seed bank, managers can respond early enough in the invasion process to fully eradicate the species from a given area. Through EDRR, well-informed surveillance can avoid costly long-term control efforts.

Additional information on this management approach can be found at: [www.occnps.org/invasives/32-information/337-emergent-invasive-plant-management-program.html](http://www.occnps.org/invasives/32-information/337-emergent-invasive-plant-management-program.html).

The County should require the project proponent to implement such a program, in perpetuity, with annual reporting to the County and Wildlife Agencies. In the absence of a formal, well-conceived, documented, and verifiable invasive weed management program such as this, potentially significant impacts to natural communities due to weed invasions from development edges would remain after mitigation.

**SUMMARY AND CONCLUSION**

For the reasons discussed herein, many of which are addressed in greater detail in the analysis submitted by Dr. Megan Jennings, certification of the DEIR for the proposed Newland Sierra project has serious potential to undermine critically important NCCP planning efforts in northern San Diego County. If the County certifies this CEQA document and issues a Habitat Loss Permit (with concurrence of the Wildlife Agencies) for this project, which violates five of the eight "preserve-design principles" of the North County MSCP, and which would not mitigate the project's significant impacts to the California Gnatcatcher, the County and Wildlife Agencies will have little credibility or authority to require any other land owners in the NC-MSCP area to ensure that their development plans conform to any such principles.

Furthermore, were the County to allow the project proponent to replace the Resource Protection Ordinance (RPO) with an alternative plan that permits destruction of large areas that the RPO identifies as "fragile, irreplaceable resources that are vital to the general welfare of all residents," this would similarly set precedent that others could, and would, readily point to when submitting non-conforming projects for approval.

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Unless the mitigation measures set forth in the DEIR are clearly worded and contain mechanisms by which the County can verify their implementation, they have little chance of providing the levels of mitigation identified in the CEQA document. For example, M-BIO-10 should be revised to specify enactment of an Early Detection and Rapid Response program, with monitoring and reporting requirements in perpetuity, in order to adequately address the potentially significant impacts attendant to invasive weeds escaping into natural communities from the miles of development edge that would be created through implementation of this project.

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Finally, given the project biologists' demonstrably and flagrantly false claim that the off-site mitigation area "provides habitat for" the California Gnatcatcher, how can decision-makers from the County or the Wildlife Agencies, or members of the general public, grant any credibility to the analyses and conclusions set forth in the DEIR?

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I appreciate the opportunity to provide these comments on the DEIR and I look forward to the County's responses. If you have questions, please call me at (562) 477-2181 or send e-mail to robb@hamiltonbiological.com.

O-2.2-29

Sincerely,



Robert A. Hamilton  
President, Hamilton Biological, Inc.

attachments: curriculum vitae

cc: Mendel Stewart and Susan Wynn, USFWS  
Karen Goebel and Doreen Stadlander, CDFW  
Dr. Megan Jennings  
Dan Silver, Endangered Habitats League

**Robert A. Hamilton**

*President, Hamilton Biological, Inc.*

**Expertise**

Endangered Species Surveys  
General Biological Surveys  
CEQA Analysis  
Population Monitoring  
Vegetation Mapping  
Construction Monitoring  
Noise Monitoring  
Open Space Planning  
Natural Lands Management

**Education**

1988. Bachelor of Science degree in Biological Sciences, University of California, Irvine

**Professional Experience**

1994 to Present. Independent Biological Consultant, Hamilton Biological, Inc.

1988 to 1994. Biologist, LSA Associates, Inc.

**Permits**

Federal Permit No. TE-799557 to survey for the Coastal California Gnatcatcher and Southwestern Willow Flycatcher

MOUs with the California Dept. of Fish and Game to survey for Coastal California Gnatcatcher and Southwestern Willow Flycatcher

California Scientific Collecting Permit No. SC-001107

Robert A. Hamilton has been providing biological consulting services in southern California since 1988. He spent the formative years of his career at the firm of LSA Associates in Irvine, where he was a staff biologist and project manager. He has worked as an independent and on-call consultant since 1994, incorporating his business as Hamilton Biological, Inc., in 2009. The consultancy specializes in the practical application of environmental policies and regulations to land management and land use decisions in southern California.

A recognized authority on the status, distribution, and identification of birds in California, Mr. Hamilton is the lead author of two standard references describing aspects of the state's avifauna: *The Birds of Orange County: Status & Distribution* and *Rare Birds of California*. Mr. Hamilton has also conducted extensive studies in Baja California, and for seven years edited the Baja California Peninsula regional reports for the journal *North American Birds*. He served ten years on the editorial board of *Western Birds* and regularly publishes in peer-reviewed journals. He is a founding member of the Coastal Cactus Wren Working Group and in 2011 updated the Cactus Wren species account for *The Birds of North America Online*. Mr. Hamilton's expertise includes vegetation mapping. From 2007 to 2010 he worked as an on-call biological analyst for the County of Los Angeles Department of Regional Planning. From 2010 to present he has conducted construction monitoring and focused surveys for special-status bird species on the Tehachapi Renewable Transmission Project (TRTP). He is a former member of the Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC).

Mr. Hamilton conducts general and focused biological surveys of small and large properties as necessary to obtain various local, state, and federal permits, agreements, and clearances. He also conducts landscape-level surveys needed by land managers to monitor songbird populations. Mr. Hamilton holds the federal and state permits and MOUs listed to the left, and he is recognized by federal and state resource agencies as being highly qualified to survey for the Least Bell's Vireo. He also provides nest-monitoring services in compliance with the federal Migratory Bird Treaty Act and California Fish & Game Code Sections 3503, 3503.5 and 3513.

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**Board Memberships, Advisory Positions, Etc.**

- Coastal Cactus Wren Working Group (2008–present)
- Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC) (2010–2014)
- American Birding Association: Baja Calif. Peninsula Regional Editor, North American Birds (2000–2006)
- Western Field Ornithologists: Associate Editor of *Western Birds* (1999–2008)
- California Bird Records Committee (1998–2001)
- Nature Reserve of Orange County: Technical Advisory Committee (1996–2001)
- California Native Plant Society, Orange County Chapter: Conservation Chair (1992–2003)

**Professional Affiliations**

- American Ornithologists' Union
- Cooper Ornithological Society
- Institute for Bird Populations
- California Native Plant Society
- Southern California Academy of Sciences
- Western Foundation of Vertebrate Zoology

Mr. Hamilton is an expert photographer, and typically provides photo-documentation and/or video documentation as part of his services.

Drawing upon a robust, multi-disciplinary understanding of the natural history and ecology of his home region, Mr. Hamilton works with private and public land owners, as well as governmental agencies and interested third parties, to apply the local, state, and federal land use policies and regulations applicable to each particular situation. Mr. Hamilton has amassed extensive experience in the preparation and critical review of CEQA documents, from relatively simple Negative Declarations to complex supplemental and recirculated Environmental Impact Reports. In addition to his knowledge of CEQA and its Guidelines, Mr. Hamilton understands how each Lead Agency brings its own interpretive variations to the CEQA review process.

**Representative Project Experience**

From 2008 to present, Mr. Hamilton has served as the main biological consultant for the Banning Ranch Conservancy, a local citizens' group opposed to a large proposed residential and commercial project on the 400-acre Banning Ranch property in Newport Beach. Mr. Hamilton reviewed, analyzed, and responded to numerous biological reports prepared by the project proponent, and testified at multiple public hearings of the California Coastal Commission. In September 2016, the Commission denied the application for a Coastal Development Permit for the project, citing, in part, Mr. Hamilton's analysis of biological issues. In March 2017, the California Supreme Court issued a unanimous opinion (*Banning Ranch Conservancy v. City of Newport Beach*) holding that the EIR prepared by the City of Newport Beach improperly failed to identify areas of the site that might qualify as "environmentally sensitive habitat areas" under the California Coastal Act. In nullifying the certification of the EIR, the Court found that the City "ignored its obligation to integrate CEQA review with the requirements of the Coastal Act."

In 2014/2015, on behalf of Audubon California, Mr. Hamilton collaborated with Dan Cooper on *A Conservation Vision for the Los Cerritos Wetlands, Los Angeles County/Orange County, California*. The goals of this



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**Insurance**

\$3,000,000 professional liability policy (Hanover Insurance Group)  
\$2,000,000 general liability policy (The Hartford)  
\$1,000,000 auto liability policy (State Farm)

**Other Relevant Experience**

Field Ornithologist, San Diego Natural History Museum Scientific Collecting Expedition to Central and Southern Baja California, October/November 1997 and November 2003.

Field Ornithologist, Island Conservation and Ecology Group Expedition to the Tres Marias Islands, Nayarit, Mexico, 23 January to 8 February 2002.

Field Ornithologist, Algalita Marine Research Foundation neustonic plastic research voyages in the Pacific Ocean, 15 August to 4 September 1999 and 14 to 28 July 2000.

Field Assistant, Bird Banding Study, Río Nambí Reserve, Colombia, January to March 1997.

**References**

Provided upon request.

comprehensive review of ongoing conceptual restoration planning by the Los Cerritos Wetlands Authority were (a) to review the conceptual planning and the restoration work that had been completed to date, and (b) to set forth additional conservation priorities for the more intensive phases of restoration that were being contemplated.

From 2012 to 2014, Mr. Hamilton collaborated with Dan Cooper on *A Conservation Analysis for the Santa Monica Mountains "Coastal Zone" in Los Angeles County*, and worked with Mr. Cooper and the County of Los Angeles to secure a certified Local Coastal Program (LCP) for 52,000 acres of unincorporated County lands in the Santa Monica Mountains coastal zone. The work involved synthesizing large volumes of existing baseline information on the biological resources of the study area, evaluating existing land use policies, and developing new policies and guidelines for future development within this large, ecologically sensitive area. A coalition of environmental organizations headed by the Surfrider Foundation selected this project as the "Best 2014 California Coastal Commission Vote" ([http://www.surfrider.org/images/uploads/2014CCC\\_Vote\\_Chart\\_FINAL.pdf](http://www.surfrider.org/images/uploads/2014CCC_Vote_Chart_FINAL.pdf)).

In 2010, under contract to CAA Planning, served as principal author of the *Conservation & Management Plan for Marina del Rey, Los Angeles County, California*. This comprehensive planning document has two overarching goals: (1) to promote the long-term conservation of all native species that exist in, or that may be expected to return to, Marina del Rey, and (2) to diminish the potential for conflicts between wildlife populations and both existing and planned human uses of Marina del Rey (to the benefit of humans and wildlife alike). After peer-review, the Plan was accepted by the Coastal Commission as an appropriate response to the varied challenges posed by colonial waterbirds and other biologically sensitive resources colonizing urban areas once thought to have little resource conservation value.



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**Contact Information**

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**Third Party Review of CEQA Documents**

Under contract to cities, conservation groups, homeowners' associations, and other interested parties, Mr. Hamilton has reviewed EIRs and other project documentation for the following projects:

- Newport Banning Ranch (residential/commercial, City of Newport Beach)
- Davidson/Scott Ranch (residential, City of Petaluma)
- Mission Trails Regional Park Master Plan Update (open space planning, City of San Diego)
- Esperanza Hills (residential, County of Orange)
- Warner Ranch (residential, County of San Diego)
- Dog Beach at the Santa Ana River Mouth (open space planning, County of Orange)
- Gordon Mull subdivision (residential, City of Glendora)
- The Ranch at Laguna Beach (resort, City of Laguna Beach)
- Sunset Ridge Park (city park, City of Newport Beach)
- The Ranch Plan (residential/commercial, County of Orange)
- Southern Orange County Transportation Infrastructure Improvement Project (Foothill South Toll Road, County of Orange)
- Gregory Canyon Landfill Restoration Plan (proposed mitigation, County of San Diego)
- Montebello Hills Specific Plan EIR (residential, City of Montebello; 2009 and 2014 circulations)
- Cabrillo Mobile Home Park Violations (illegal wetland filling, City of Huntington Beach)
- Newport Hyatt Regency (timeshare conversion project, City of Newport Beach)
- Lower San Diego Creek "Emergency Repair Project" (flood control, County of Orange)
- Tonner Hills (residential, City of Brea)
- The Bridges at Santa Fe Units 6 and 7 (residential, County of San Diego)
- Villages of La Costa Master Plan (residential/commercial, City of Carlsbad)
- Whispering Hills (residential, City of San Juan Capistrano)
- Santiago Hills II (residential/commercial, City of Orange)
- Rancho Potrero Leadership Academy (youth detention facility/road, County of Orange)
- Saddle Creek/Saddle Crest (residential, County of Orange)
- Frank G. Bonelli Regional County Park Master Plan (County of Los Angeles)



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**Selected Presentations**

Hamilton, R. A. Six Legs Good. 2012-2017. 90-minute multimedia presentation on the identification and photography of dragonflies, damselflies, butterflies, and other invertebrates, given at Audubon Society chapter meetings, Irvine Ranch Conservancy, etc.

Hamilton, R. A., and Cooper, D. S. 2016. Nesting Bird Policies: We Can Do Better. Twenty-minute multimedia presentation at The Wildlife Society Western Section Annual Meeting, February 23, 2016.

Hamilton, R. A. 2012. Identification of Focal Wildlife Species for Restoration, Coyote Creek Watershed Master Plan. Twenty-minute multimedia presentation given at the Southern California Academy of Sciences annual meeting at Occidental College, Eagle Rock, 4 May. Abstract published in the Bulletin of the Southern California Academy of Sciences No. 111(1):39.

Hamilton, R. A., and Cooper, D. S. 2009-2010. Conservation & Management Plan for Marina del Rey. Twenty-minute multimedia presentation given to different governmental agencies and interest groups.

Hamilton, R. A. 2008. Cactus Wren Conservation Issues, Nature Reserve of Orange County. One-hour multimedia presentation for Sea & Sage Audubon Society, Irvine, California, 25 November.

Hamilton, R. A., Miller, W. B., Mitrovich, M. J. 2008. Cactus Wren Study, Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Nature Reserve of Orange County's Cactus Wren Symposium, Irvine, California, 30 April 2008.

Hamilton, R. A. and K. Messer. 2006. 1999-2004 Results of Annual California Gnatcatcher and Cactus Wren Monitoring in the Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Partners In Flight meeting: Conservation and Management of Coastal Scrub and Chaparral Birds and Habitats, Starr Ranch Audubon Sanctuary, 21 August 2004; and at the Nature Reserve of Orange County 10<sup>th</sup> Anniversary Symposium, Irvine, California, 21 November.

**Publications**

Gómez de Silva, H., Villafaña, M. G. P., Nieto, J. C., Cruzado, J., Cortés, J. C., Hamilton, R. A., Vásquez, S. V., and Nieto, M. A. C. 2017. Review of the avifauna of The Tres Marias Islands, Mexico, including new and noteworthy records. *Western Birds* 47:2-25.

Hamilton, R. A. 2014. Book review: The Sibley Guide to Birds, Second Edition. *Western Birds* 45:154-157.

Cooper, D. S., R. A. Hamilton, and S. D. Lucas. 2012. A population census of the Cactus Wren in coastal Los Angeles County. *Western Birds* 43:151-163.

Hamilton, R. A., J. C. Burger, and S. H. Anon. 2012. Use of artificial nesting structures by Cactus Wrens in Orange County, California. *Western Birds* 43:37-46.



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Hamilton, R. A., Proudfoot, G. A., Sherry, D. A., and Johnson, S. 2011. Cactus Wren (*Campylorhynchus brunneicapillus*), in The Birds of North America Online (A. Poole, ed.). Cornell Lab of Ornithology, Ithaca, NY.

Hamilton, R. A. 2008. Cactus Wrens in central & coastal Orange County: How will a worst-case scenario play out under the NCCP? *Western Tanager* 75:2-7.

Erickson, R. A., R. A. Hamilton, R. Carmona, G. Ruiz-Campos, and Z. A. Henderson. 2008. Value of perennial archiving of data received through the North American Birds regional reporting system: Examples from the Baja California Peninsula. *North American Birds* 62:2-9.

Erickson, R. A., R. A. Hamilton, and S. G. Mlodinow. 2008. Status review of Belding's Yellowthroat *Geothlypis beldingi*, and implications for its conservation. *Bird Conservation International* 18:219-228.

Hamilton, R. A. 2008. Fulvous Whistling-Duck (*Dendrocygna bicolor*). Pp. 68-73 in California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California (Shuford, W. D. and T. Gardali, eds.). *Studies of Western Birds* 1. Western Field Ornithologists, Camarillo, CA, and California Department of Fish and Game, Sacramento, CA.

California Bird Records Committee (R. A. Hamilton, M. A. Patten, and R. A. Erickson, editors.). 2007. *Rare Birds of California*. Western Field Ornithologists, Camarillo, CA.

Hamilton, R. A., R. A. Erickson, E. Palacios, and R. Carmona. 2001-2007. *North American Birds* quarterly reports for the Baja California Peninsula Region, Fall 2000 through Winter 2006/2007.

Hamilton, R. A. and P. A. Gaede. 2005. Pink-sided × Gray-headed Juncos. *Western Birds* 36:150-152.

Mlodinow, S. G. and R. A. Hamilton. 2005. Vagrancy of Painted Bunting (*Passerina ciris*) in the United States, Canada, and Bermuda. *North American Birds* 59:172-183.

Erickson, R. A., R. A. Hamilton, S. González-Guzmán, G. Ruiz-Campos. 2002. Primeros registros de anidación del Pato Friso (*Anas strepera*) en México. *Anales del Instituto de Biología, Universidad Nacional Autónoma de México, Serie Zoología* 73(1):67-71.

Hamilton, R. A. and J. L. Dunn. 2002. Red-naped and Red-breasted sapsuckers. *Western Birds* 33:128-130.

Hamilton, R. A. and S. N. G. Howell. 2002. Gnatcatcher sympatry near San Felipe, Baja California, with notes on other species. *Western Birds* 33:123-124.

Hamilton, R. A. 2001. Book review: The Sibley Guide to Birds. *Western Birds* 32:95-96.

Hamilton, R. A. and R. A. Erickson. 2001. Noteworthy breeding bird records from the Vizcaíno Desert, Baja California Peninsula. Pp. 102-105 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.

Hamilton, R. A. 2001. Log of bird record documentation from the Baja California Peninsula archived at the San Diego Natural History Museum. Pp. 242-253 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.

Hamilton, R. A. 2001. Records of caged birds in Baja California. Pp. 254-257 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.

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Howell, S. N. G., R. A. Erickson, R. A. Hamilton, and M. A. Patten. 2001. An annotated checklist of the birds of Baja California and Baja California Sur. Pp. 171–203 in *Monographs in Field Ornithology No. 3*. American Birding Association, Colorado Springs, CO.

Ruiz-Campos, G., González-Guzmán, S., Erickson, R. A., and Hamilton, R. A. 2001. Notable bird specimen records from the Baja California Peninsula. Pp. 238–241 in *Monographs in Field Ornithology No. 3*. American Birding Association, Colorado Springs, CO.

Wurster, T. E., R. A. Erickson, R. A. Hamilton, and S. N. G. Howell. 2001. Database of selected observations: an augment to new information on migrant birds in northern and central portions of the Baja California Peninsula. Pp. 204–237 in *Monographs in Field Ornithology No. 3*. American Birding Association, Colorado Springs, CO.

Erickson, R. A. and R. A. Hamilton, 2001. Report of the California Bird Records Committee: 1998 records. *Western Birds* 32:13–49.

Hamilton, R. A., J. E. Pike, T. E. Wurster, and K. Radamaker. 2000. First record of an Olive-backed Pipit in Mexico. *Western Birds* 31:117–119.

Hamilton, R. A. and N. J. Schmitt. 2000. Identification of Taiga and Black Merlins. *Western Birds* 31:65–67.

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Hamilton, R. A. and D. R. Willick. 1996. The Birds of Orange County, California: Status and Distribution. Sea & Sage Press, Sea & Sage Audubon Society, Irvine.

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Bontrager, D. R., R. A. Erickson, and R. A. Hamilton. 1995. Impacts of the October 1993 Laguna fire on California Gnatcatchers and Cactus Wrens. in J. E. Keeley and T. A. Scott (editors). *Wildfires in California Brushlands: Ecology and Resource Management*. International Association of Wildland Fire, Fairfield, Washington.

Erickson, R. A., R. A. Hamilton, S. N. G. Howell, M. A. Patten, and P. Pyle. 1995. First record of Marbled Murrelet and third record of Ancient Murrelet for Mexico. *Western Birds* 26: 39–45.

Erickson, R. A., and R. A. Hamilton. 1993. Additional summer bird records for southern Mexico. *Euphonia* 2(4): 81–91.

Erickson, R. A., A. D. Barron, and R. A. Hamilton. 1992. A recent Black Rail record for Baja California. *Euphonia* 1(1): 19–21.



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