

Rough Acres Ranch

Notice of Preparation / Initial Study

Comment Letter #3

California Department of Fish and Wildlife

Erin Crouthers

From: Bennett, Jim [Jim.Bennett@sdcounty.ca.gov]
Sent: Tuesday, May 20, 2014 2:22 PM
To: Erin Crouthers
Cc: Campbell, Dennis
Subject: Rough Acres Ranch - Comment Letter#3
Attachments: pdf Rough Acres Ranch Project.pdf

Jim Bennett, P.G. #7707, CHG#854
 Groundwater Geologist

County of San Diego

Planning & Development Services
 5510 Overland Avenue, Suite 110, San Diego, CA 92123
 Phone: 858-694-3820 Fax: 858-694-3373

From: Duarte, Dolores@Wildlife [<mailto:Dolores.Duarte@wildlife.ca.gov>]
Sent: Monday, May 12, 2014 4:15 PM
To: Bennett, Jim
Cc: Sevens, Gail@Wildlife; Hollenbeck, Eric@Wildlife; state.clearinghouse@opr.ca.gov; Doreen.Stadtlander@fws.gov
Subject: Copy of Comment letter Re: Rough Acres Ranch Project/NOP/DEIR

Mr. Bennett,
 Please see attached copy for your records. Original will follow.

If you have any questions, please contact Eric Hollenbeck at (858) 467-2720. Thank you!

*Dolores Duarte
 Regional Manager Secretary
 Department of Fish and Wildlife-South Coast Region 5
 3883 Ruffin Road, San Diego, CA 92123
 Phone #: (858) 467-2702 /Fax #: (858) 467-4239
 Work Schedule: 7:30am-5:00pm*



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



May 12, 2014

Mr. Jim Bennett, Project Manager
County of San Diego, Planning and Developmental Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123-1666
(858) 694-3820
Jim.Bennett@sdcounty.ca.gov

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Rough Acres Ranch Project

Dear Mr. Bennett:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Rough Acres Ranch Project Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The County of San Diego (County) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) and the draft East County Plan for which the Mountain Empire Subregional Plan is a part.

The Rough Acres Ranch project proposes a Conference and Wellness Center and Campground Facility located on 713 acres. The project site is located in the community of Boulevard in the unincorporated County of San Diego.

The Project would retain the following existing uses on-site: 22 bungalows, a lodge, a bunk house, one residence, an agricultural building, a hay barn, corrals, a cold room building, an auxiliary building, restroom facilities, a kitchen/communal living area, and an existing helipad recently built by San Diego Gas and Electric (SDGE). The helipad would be utilized as an emergency helicopter facility. Existing uses that would be re-built as part of this project include an existing guesthouse and three existing poultry coops.

The project would add two campground areas including 149 campsites (both dry and full hookups), 2 clubhouses, 2 swimming pools, an equestrian center, a 200 person amphitheater, an archery course, a skeet shooting range, a multi-purpose athletic field, and would improve and widen several un-paved roads. The project would also include three new ranch residences (two for employee housing and one for transient habitation), plus an additional ranch residence for transient housing that would be reconstructed. Except for the fourth ranch residence, the former three would have an adjacent storage building. The project would utilize on-site septic and groundwater. Maximum occupancy would not exceed

2,600 people. Total project grading is anticipated to be 7,500 cubic yards of balanced cut and fill. The project facilities would be constructed in five phases over a five-year period. The project proposes access from McCain Valley Road. A new secondary access road would connect Ribbonwood Road to the southern portion of the project site.

The Department offers the following comments and recommendations to assist the County in avoiding or minimizing potential project impacts on biological resources.

1. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the DEIR and must compensate for the loss of function and value of a wildlife corridor.
 - a) The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.¹ Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
 - b) The Department also has regulatory authority over activities in streams and/or lakes 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. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. 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. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources

¹ Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.²

2. 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), (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.
3. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, 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) A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should 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.

Biological Resources within the Project's Area of Potential Effect

4. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats, the DEIR should include the following information:

² A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

- a) Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on resources that are rare or unique to the region.
- b) A thorough assessment of rare plants and rare natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see: <http://www.wildlife.ca.gov/habcon/plant/>) (hard copy available on request). Please follow the nomenclature used in the Manual of California Vegetation, Second Edition, as Department protocol states this is the appropriate way to categorize and analyze impacts to rare plant communities. The ranking of Associations and Alliances is available in the above referenced manual.
- c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. 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.
- d) An inventory of rare, threatened, and endangered, and other sensitive species 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. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Analyses of the Potential Project-Related Impacts on the Biological Resources

5. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.
 - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, fuel modification, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns, including 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. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Impacts to habitats due to project-related groundwater uses should be analyzed in an historical context, and any deviation from the minimum threshold for allowable fluctuation should be justified with historical data. Mitigation measures proposed to alleviate such impacts should be included.

- b) 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 proposed or analyzed for a developing NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR. The latter should include analysis for cumulative effects in conjunction with other nearby and regional projects, proposed or in development, and a baseline analysis of movement patterns to assess impacts to existing conditions.
- c) 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. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
- d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats. Proposed mitigation for species and habitats should be developed within a regional context for preservation and no net loss standard in the absence of an adopted sub-regional plan.

Mitigation for the Project-related Biological Impacts

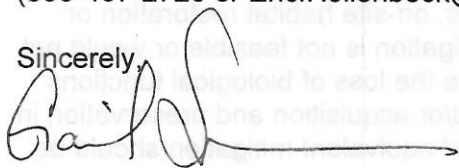
- 6. The DEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- 7. The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction 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 and therefore 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. Any deviation from in-kind equivalent mitigation should be justified through analysis in the DEIR.
- 8. For proposed preservation and/or restoration, the DEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
- 9. 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 (Title 50, § 10.13, Code of Federal Regulations). 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, disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1- September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or other possible factors.

10. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
11. Plans for restoration and revegetation 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.

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Eric Hollenbeck at (858-467-2720 or Eric.Hollenbeck@wildlife.ca.gov).

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

cc: Doreen Stadtlander (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)
Eric Hollenbeck (CA Department of Fish and Wildlife)