

COMMENTS	RESPONSE
<div data-bbox="174 289 273 402" data-label="Image"></div> <div data-bbox="279 287 501 394" data-label="Text"> <p>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</p> </div> <div data-bbox="541 293 630 402" data-label="Image"></div> <div data-bbox="648 287 926 394" data-label="Text"> <p>California Department of Fish and Wildlife South Coast Region 3883 Ruffin Road San Diego, California 92123 858-467-4201 FAX 858-467-4299</p> </div> <div data-bbox="747 254 924 277" data-label="Section-Header"> <p>Comment Letter F1</p> </div> <div data-bbox="195 412 455 448" data-label="Text"> <p>In Reply Refer To: FWS/CDFW-SD-16B0060-17CPA0123</p> </div> <div data-bbox="814 448 926 490" data-label="Text"> <p>June 6, 2017 <i>Sent by Email</i></p> </div> <div data-bbox="195 490 585 597" data-label="Text"> <p>Ms. Michelle Irace County of San Diego Department of Planning and Development Services 5510 Overland Avenue, Suite 310 San Diego, California 92123</p> </div> <div data-bbox="195 617 900 660" data-label="Text"> <p>Subject: Draft Environmental Impact Report and Draft Habitat Loss Permit for the Proposed Harmony Grove Village South Project, County of San Diego, California</p> </div> <div data-bbox="195 680 323 703" data-label="Text"> <p>Dear Ms. Irace:</p> </div> <div data-bbox="195 722 903 915" data-label="Text"> <p>The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the draft Environmental Impact Report (DEIR) and draft Habitat Loss Permit (HLP) for the proposed Harmony Grove South project received on April 20, 2017. The comments provided in this letter are based on information provided in the DEIR and HLP, multiple meetings and discussions with San Diego County (County) staff and representatives of the project applicant, our knowledge of sensitive and declining vegetation communities in the County, and our participation in regional conservation planning efforts including the County's draft North County Multiple Species Conservation Plan (NC MSCP).</p> </div> <div data-bbox="195 933 926 1234" data-label="Text"> <p>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. As such, the Service is responsible for administering the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712), Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668c), and the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 <i>et seq.</i>). 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 Wildlife Agencies for the development of the draft NC MSCP, and this NCCP/HCP is currently in development for unincorporated lands in north San Diego County.</p> </div> <div data-bbox="195 1250 926 1295" data-label="Text"> <p>The 111-acre project site is located along the southern and eastern border of Country Club Drive south of Harmony Grove Road in the Elfin Forest-Harmony Grove Planning Area of unincorporated</p> </div> <div data-bbox="936 969 984 990" data-label="Text"> <p>F1-1</p> </div> <div data-bbox="936 1271 984 1292" data-label="Text"> <p>F1-2</p> </div>	<div data-bbox="1062 164 1413 191" data-label="Section-Header"> <p>Response to Comment F1-1</p> </div> <div data-bbox="1062 199 2007 305" data-label="Text"> <p>The County acknowledges these introductory comments; however, they do not raise an issue concerning the environmental analysis or adequacy of the EIR. Please see the responses below to specific comments.</p> </div> <div data-bbox="1062 339 1417 367" data-label="Section-Header"> <p>Response to Comment F1-2</p> </div> <div data-bbox="1062 375 2007 521" data-label="Text"> <p>Comment noted. This comment summarizes Project locational data and information relative to the Draft Multiple Species Conservation Plan (MSCP) North County Plan document. The paragraph is consistent with information provided in the EIR. No response is required.</p> </div>

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<p style="text-align: right;">Comment Letter F1</p> <p>Ms. Michelle Irace (FWS/CDFW-SD-16B0060-17CPA0123) 2</p> <p>San Diego County. The proposed project footprint for the preferred alternative is 76.2 acres with the remaining 34.8 designated as biological open space. The project site is located within the Pre-approved Mitigation Area (PAMA) of the draft NC MSCP, and as such, is of particular concern to the Wildlife Agencies in terms of potential project impacts to sensitive species, and overall preserve design. 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 31 percent conservation. 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. This level of conservation is our starting point as we review each proposed project that is located within the PAMA boundaries. We then factor in other variables including the importance of the project area to identified biological core and linkage areas within the preserve and the presence of critical biological resources.</p> <p>We offer the following comments and recommendations to assist the County 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:</p> <ol style="list-style-type: none"> The proposed project would impact 10.4 acres of coastal sage scrub vegetation (CSS), which is a sensitive habitat covered by the State NCCP program. The applicant proposes to address impacts to the CSS and the federally threatened coastal California gnatcatcher (<i>Polioptila californica californica</i>; gnatcatcher) through the County's HLP process. <p>The draft HLP proposes to mitigate impacts to CSS and similar habitat (e.g., 4.5 acres of coastal sage-chaparral scrub) at a 2:1 ratio, primarily with off-site conservation; however, no specific conservation parcels have been identified. Although the draft HLP suggests the Red Mountain and Buena Vista Creek mitigation banks as potential sites for the off-site conservation, the proposed project is outside of the primary service area for these banks. The proposed impacts are within an important area targeted for conservation in the draft NC MSCP and is of particular importance for the gnatcatcher; therefore, we recommend that the off-site mitigation target gnatcatcher-occupied CSS and like habitat within the Elfin Forest-Harmony Grove Planning Area. The final HLP should identify specific parcels that will be acquired for conservation and include resource management plan(s) for County and Wildlife Agency review and approval.</p> <p>Furthermore, the draft HLP proposes to restore 1.8 acres of CSS along portions of the development-open space boundary as on-site mitigation. The Wildlife Agencies support this restoration effort as it will provide a buffer from development and reduce potentially harmful edge effects in the preserve; however, we recommend that this area be removed from consideration as mitigation for permanent impacts as it is more appropriately defined as restoration to mitigate temporary project impacts in the biological open space.</p> <p style="text-align: right;">F1-2 F1-3</p>	<p>Response to Comment F1-3</p> <p>The stated intent to address impacts to 10.4 acres of coastal sage scrub and the federally listed coastal California gnatcatcher through the County's HLP process is correct. Also consistent with this comment, both the Project <i>Biological Technical Report</i> (BTR) and Subchapter 2.3, <i>Biological Resources</i>, of the EIR require the following as part of Mitigation Measure M-BI-1b for coastal sage scrub and associated species (excerpted and emphasis added):</p> <p><i>Off-site preservation of mitigation land, through the recordation of a BOS easement, and preparation of an RMP to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, approved by the County and Wildlife Agencies. To the extent the land is available for preservation, off-site mitigation shall occur within land designated as PAMA in the Draft MSCP North County Plan and located in the Elfin Forest-Harmony Grove Planning Area, northern coastal foothills ecoregion. The location shall be deemed acceptable by the County and Wildlife Agencies. Long-term management shall be funded through a non-wasting endowment in an amount determined through preparation of a Property Assessment Record (PAR) or similar method for determining funding amount. The open space easement shall be owned by a conservancy, the County or other similar, experienced entity subject to approval by the County. Should a regional entity to manage biological open space be formed, the natural habitat areas within the Project site could be dedicated to that entity and managed as part of an overall preserve system for northern San Diego County (BTR pg. 108 and EIR pg. 2.3-58).</i></p> <p>The Applicant has identified several potential off-site mitigation parcels within the Elfin Forest-Harmony Grove Planning Area and has reviewed the potential parcels with the County and Wildlife Agency staff. Additional review is anticipated as part of the planning process. It is not required and not the Applicant's intent to publish details and specifics in a public review document regarding the potential parcels, including sensitive information such as parcel location address and landowner contact information, for example. The final HLP will identify such parcel(s) and a Resource Management Plan (RMP) also will be</p>


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	<p>completed, consistent with this comment. The RMP shall be prepared by a County-approved restoration specialist in accordance with the County's <i>Report Format and Content Requirements for Conceptual Biological Resources Management Plans</i>, which requires implementation of site-specific restoration directives for site preparation, installation, maintenance, monitoring and financial assurances for the restoration effort. Restoration directives to be implemented shall include, at a minimum, unless otherwise required by the County and Wildlife Agencies, a mandatory plant establishment period (PEP); monthly, quarterly, and annual technical monitoring of the restoration performance, as appropriate, including plant survivorship, non-native species coverage, native species coverage, and photographs; monthly, quarterly, and annual maintenance of the restoration site for plant replacement, irrigation inspection, non-native species control, and trash removal, as appropriate; and reporting of the restoration effort's progress toward achieving performance standards to be sent to the County and Wildlife Agencies on an annual basis, until success criteria are met.</p> <p>The comment is correct that the draft HLP circulated with the Draft EIR suggests the Red Mountain and Buena Creek Conservation Banks; however, the commenter is directed to the specific language included in Mitigation Measure M-BI-1b acknowledging County and Wildlife Agency involvement in this component of the mitigation, which states (excerpted and emphasis added):</p> <p style="padding-left: 40px;"><i>If demonstrated to the satisfaction of the County and Wildlife Agencies that off-site preservation of mitigation land is not feasible to fulfill all or a portion of mitigation obligations, then the Project shall include purchase of occupied coastal sage scrub credits at an approved conservation bank, such as the Red Mountain Conservation Bank, Buena Creek Conservation Bank, or other bank deemed acceptable by the County and Wildlife Agencies (EIR pg. 2.3-58).</i></p> <p>The stated intent to restore 1.8 acres of coastal sage scrub along portions of the Project development-open space boundary as mitigation is correct. The County would like to clarify that there are no impacts in areas originally identified as biological open space (BOS). The original BOS boundary aligned with the edge</p>

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	<p>of grading. Just before public review, agreement was reached with the Applicant to allow restoration of acreage that would otherwise be included within irrigated slope as part of Project landscaping. Commitment to seeding, planting, and monitoring of this area rather than simply fencing it off from BOS was attained, and the area was included within the BOS so that it would be ensured permanent protection. As such, restoration is appropriate for mitigation. To ensure that mitigation is successful, a 120-day PEP, followed by a maintenance, monitoring, and reporting period is required. The duration of the maintenance, monitoring, and reporting period is typically 5 years; the restoration effort will not be approved or signed off by the County and Wildlife Agencies until success criteria and performance standards are met, as explained below. To complete the 120-day establishment period, irrigation must be functional, container plantings must have 100 percent survivorship, and all target invasive species (Cal-IPC moderate and high species) must be removed from the restoration area. Any replacement plantings added to attain the survivorship criterion must be installed prior to sign off of the 120-day establishment period.</p> <p>Success criteria provide specific standards to evaluate the progress of the restoration effort. Attainment of these standards indicates that the restoration area is progressing toward, and has the habitat function and services specified by, this plan. Restoration success will be determined by comparing measures of planting survivorship, vegetative cover, and native plant recruitment within the restoration and enhancement areas to specified targets, based on visual observations. The following parameters will determine success, unless otherwise required by the County and Wildlife Agencies during review and approval of the restoration plan:</p> <ol style="list-style-type: none"> 1. Native cover of at least 80 percent relative to a reference site(s) 2. Absolute non-native cover (excluding target species) of no more than 10 percent 3. No cover by target invasive plants (Cal-IPC moderate and high species; not including annual grasses) 4. Recruitment (the successful, natural reproduction and/or establishment of plants in a given area) of native species (see the matrix below, which reflects general success criteria considered, all of which are subject to County and

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	<p>Wildlife Agency review and modification as part of the restoration plan approval process)</p> <p>These criteria are based on observations of intact native habitat located on site. Interim success criteria, demonstrating that the restoration effort is on track to meet the final criteria, are also provided for Years 1 through 5. No native cover success criteria are specified for Years 1 and 2; however, the visual estimates should indicate that the restoration effort is progressing towards final goals.</p> <table><tr><th colspan="6">SUCCESS CRITERIA MILESTONES</th></tr><tr><th rowspan="2">CRITERIA</th><th colspan="5">TARGET PERCENTAGE</th></tr><tr><th>YEAR 1</th><th>YEAR 2</th><th>YEAR 3</th><th>YEAR 4</th><th>YEAR 5</th></tr><tr><td>Planting survivorship</td><td>90</td><td>80</td><td>--</td><td>--</td><td>--</td></tr><tr><td>Minimum native vegetation cover*</td><td>--</td><td>--</td><td>45</td><td>65</td><td>80</td></tr><tr><td>Maximum non-native vegetation cover</td><td>10</td><td>10</td><td>10</td><td>10</td><td>10</td></tr><tr><td>Maximum target invasive species cover</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td></tr><tr><td>Recruitment**</td><td>--</td><td>--</td><td>1</td><td>2</td><td>6</td></tr></table> <p>* Percent cover of native vegetation is relative to the reference site. For example, if cover is 100 percent it is equal to the cover in the reference habitat.</p> <p>** Shown as number of species. It is expected that at least six species will have recruited onto the site by the end of Year 5.</p> <p>Finally, please note that, in addition to being held to these standards, once the restoration effort is “signed off” by the agencies, the mitigation site will be maintained/managed in perpetuity within biological open space in accordance with the Project’s RMP. The Project will be conditioned as a part of the approved mitigation measures to complete and receive approval of the RMP in accordance with the standards summarized above.</p>	SUCCESS CRITERIA MILESTONES						CRITERIA	TARGET PERCENTAGE					YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	Planting survivorship	90	80	--	--	--	Minimum native vegetation cover*	--	--	45	65	80	Maximum non-native vegetation cover	10	10	10	10	10	Maximum target invasive species cover	0	0	0	0	0	Recruitment**	--	--	1	2	6
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<p style="text-align: center;">Comment Letter F1</p> <p>Ms. Michelle Irace (FWS/CDFW-SD-16B0060-17CPA0123) 3</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>2. The proposed project would impact 44.2 acres of non-native grassland vegetation. To offset impacts to this habitat type and foraging wildlife, including raptors, the DEIR proposes to mitigate at a 0.5:1 ratio, primarily off site. Because the proposed impacts are within an area that is targeted as an important conservation area for the draft NC MSCP, off-site mitigation should target similar habitat within the Elfin Forest-Harmony Grove Planning Area. The final EIR should identify specific parcels targeted for conservation and include resource management plan(s) for Wildlife Agency review and approval.</p> <p>3. The Wildlife Agencies do not agree that changes to the general plan designation for the project site represent a less than significant impact to land use planning. The change in land use designation from semi-rural residential to a combination of semi-rural residential, village regional, and neighborhood commercial would nearly double the allowable units from 220 to 453 and adds commercial facilities. The increase in units within the property may require a larger project footprint and result in further loss of native habitats on the project site.</p> <p>4. The DEIR identifies several project alternatives including the Biologically Superior Alternative (BSA). The BSA reflects recommendations from the Wildlife Agencies during previous discussions with the County and the applicant. By pulling development away from the northeastern boundaries of the property, the BSA maintains more CSS and chaparral habitat than the preferred alternative and reduces impacts to both live-in habitat and connectivity for wildlife. Therefore, among the alternatives presented, the Wildlife Agencies recommend adoption of the BSA as the project alternative.</p> <p>5. Paragraph one of M-BI-1a in the draft HLP states that the applicant would record a conservation easement over the on-site open space; however, elsewhere in the draft HLP and DEIR there is reference to an open space easement. We recommend that a conservation easement rather than an open space easement be the mechanism used to protect both the on-site and off-site conservation areas and that the easement language be provided to the County and Wildlife Agencies for review and approval. At a minimum, the instrument used to protect the conservation value of these lands should include the following:</p> <ol style="list-style-type: none"> a. Easements should not expire regardless of the status of the project that was mitigated; b. The Wildlife Agencies should be granted the right to reasonably access the property and enforce the terms of the easement; c. Easements should reference resource management plans that are approved by the Wildlife Agencies; and d. Easements should include language that requires written consent from the Wildlife Agencies before the easements can be terminated or abandoned through County processes. </div> <div style="width: 5%; text-align: center;"> <p>F1-4</p> <p>F1-5</p> <p>F1-6</p> <p>F1-7</p> </div> </div>	<p>Response to Comment F1-4</p> <p>Please see Response to Comment F1-3. Similar to Response to Comment F1-3, and consistent with this comment, both the Project BTR (2017: 112) and the EIR (2017:2.3-59-60) require the highlighted text shown in Response to Comment F1-3 as part of Mitigation Measure M-BI-2b for non-native grassland. The County agrees the Wildlife Agencies should review and approve the resource management plan(s), this requirement is included in the EIR.</p> <p>Response to Comment F1-5</p> <p>The Project includes a General Plan/Community Plan Amendment addressing refinement of the Village boundary line and additional density, which would be considered as part of the Project during BOS consideration. The EIR concluded a less than significant impact to land use planning. The mitigation for the land use planning effect is incorporated into the Project (proposed General Plan/Community Plan Amendment) (FEIR pages 3.1.5-22 to 3.1.5-27).</p> <p>Relative to the potential biological effects of the General Plan/Community Plan Amendment (increased density), potential Project impacts have been fully evaluated in the Project BTR and EIR. The Project footprint has been consolidated, as described and analyzed throughout those documents. Also as shown in Chapter 4, <i>Alternatives</i>, of the EIR, construction of fewer units on site (e.g., the General Plan Consistent with Septic Alternative) could result in a much larger footprint with greater biological effects. There is no direct correlation between the specific number of units and the Project footprint. As stated in Mitigation Measure M-BI-1a, the biological open space also would be subject to long-term monitoring, maintenance and management, as well as reporting directives (BTR 2017:106; EIR 2017:2-3-57). Finally, Project consistency with the General Plan relative to biological resources is specifically addressed in Section 3.1.5, <i>Land Use and Planning</i>, of the EIR relative to the Conservation and Open Space, and Land Use, elements of the General Plan 2017: 3.1.5-16-17, with cross-references to EIR Subchapter 2.3, <i>Biological Resources</i>, as appropriate. All of these considerations combined render the change in General Plan designation as less than significant relative to land use planning.</p>

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	<p>Response to Comment F1-6</p> <p>The comment is correct in its characterization of the Biologically Superior Alternative, and the comments that resource agency staff provided the resulted in design of that alternative are appreciated. The Wildlife Agencies preference for that alternative is noted.</p> <p>Response to Comment F1-7</p> <p>The comment is correct that M-BI-1a in the draft HLP states that the Applicant would record a conservation easement over the on-site open space. The term “conservation easement” is used synonymously with the County-specific term “biological open space easement.” The required easement wording will be determined by the County in coordination with the Wildlife Agencies, prior to grading permit. Regarding the four items recommended in the comment, the first three will be included (that the easement will not expire, that the Wildlife Agencies may reasonably access the easement area, and that the easement will reference the approved resource management plan[s]), consistent with the comment. Regarding the request that written consent will be required from the Wildlife Agencies prior to County termination or abandonment of the easement, the County would follow the procedure outlined in the Government Code and as required in Board of Supervisors Policy I-103, Open Space Easement Vacations.</p>

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<p style="text-align: center;">Comment Letter F1</p> <p>Ms. Michelle Trace (FWS/CDFW-SD-16B0060-17CPA0123) 4</p> <p>We appreciate the opportunity to provide comments on the subject project. Should you have any questions regarding this letter, please contact Carol Williams (Department) at 858-637-5511 or Eric Porter (Service) at 760-431-9440. F1-8</p> <p style="text-align: center;">Sincerely,</p> <div style="display: flex; justify-content: space-between;"><div data-bbox="178 500 472 678"><p>DOREEN STADTLANDER for Karen A. Goebel Assistant Field Supervisor U.S. Fish and Wildlife Service</p><p>cc: State Clearinghouse</p></div><div data-bbox="573 487 892 613"><p> Gail K. Sevens Environmental Program Manager California Department of Fish and Game</p></div></div>	<p>Response to Comment F1-8</p> <p>The comment is a conclusion statement and provides identification of staff for future communications. No further response is required.</p>