COMMENTS	RESPONSES
 **Comment Letter O4c** HAMILTON BIOLOGICAL June 19, 2017 Everett DeLano DeLano & DeLano 220 W. Grand Ave. Escondido, CA 92025 **SUBJECT: REVIEW OF BIOLOGICAL RESOURCE ISSUES DRAFT EIR FOR THE PROPOSED HARMONY GROVE VILLAGE SOUTH PROJECT** Dear Mr. DeLano, At your request, Hamilton Biological, Inc., has reviewed the Draft EIR (DEIR) for the Harmony Grove Village South project, located in San Diego County, California. Specifically, I reviewed the Section 2.3 of the DEIR (Biological Resources), Section 4 of the DEIR (Project Alternatives), and Appendix E to the DEIR (Biological Technical Report). Hamilton Biological is a consultancy specializing in field reconnaissance, regulatory compliance, preparing CEQA documentation, and providing third-party review of CEQA documentation. This review has the following purposes: • To identify any areas in which the document reaches conclusions not supported by adequate field work or thorough review of the scientific literature. • To identify and discuss any biological impact analyses not consistent with CEQA, its guidelines, or relevant precedents. • To evaluate the project's "edge effects" upon adjacent preserved areas. • To evaluate the DEIR's analysis of cumulative impacts and the proposed project's consistency with the County's Draft North County Multiple Species Conservation Program (MSCP). • To evaluate the project alternatives to determine whether one or more of them may better protect sensitive biological resources. • To recommend changes to impact analyses, mitigation measures, and/or resource management practices to avoid or minimize to the maximum extent practicable potentially significant impacts to biological resources, as required under CEQA. It is my understanding that the firm of DeLano & DeLano has been retained by The Escondido Creek Conservancy (TECC) to represent their interests, and the faithful execution of CEQA and its Guidelines, with regard to the proposed Harmony Grove Village 316 Monrovia Avenue ~ Long Beach, CA 90803 ~ 562-477-2181 ~ robb@hamiltonbiological.com O4c-1	**Response to Comment O4c-1** These are introductory comments that identify the commenter and entities represented by the commenter. The comments are not at variance with the EIR and do not require a response.

South project. TECC has a long history of participating in natural lands management issues in the project vicinity, and the organization seeks to ensure that implementation of the proposed Harmony Grove Village South project would not adversely affect their past and future efforts to establish and maintain the ecological integrity of a natural habitat preserve in the local area. As described on TECC's web page[1]:

> Lands owned or managed by TECC are managed comprehensively in what we call the Escondido Creek Conservation Area (Conservation Area). In early 2015, the Conservation Area consisted of approximately 1,300 acres, including lands located throughout the Escondido Creek watershed but primarily lands located in Elfin Forest. Conservation Area lands are protected by combination of fee ownership, conservation easements, and management agreements. In keeping with TECC's founding and ongoing purpose, the primary management goal for all Conservation Area land is preservation of wildlife habitat.

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HAMILTON BIOLOGICAL'S REVIEW PROCESS

As part of my evaluation of the DEIR and its adequacy, I participated in a visit to the site on May 18, 2017, with local resident Kevin Barnard, a TECC board member.

To help put the DEIR in context, I reviewed the following technical reports:

Technology Associates. 2008. Biological Diversity Baseline Report for the Del Dios Highlands Preserve, County of San Diego. Report dated November 4, 2008, prepared for the County of San Diego Dept. of Parks and Recreation, San Diego, CA.

This report evaluated the 469-acre Del Dios Highlands Preserve, located southwest of Escondido, west of Del Dios Highway, and northwest of Lake Hodges, adjacent to the Harmony Grove Village South project site. As discussed on Page iv of their report, field work included the following studies:

> ... (1) mapping of vegetation communities, (2) a floral inventory including rare plant surveys, (3) checklist butterfly surveys, (4) pitfall trapping to sample amphibians, reptiles, and small mammals, (5) avian point count surveys, (6) nocturnal avian surveys, (7) acoustic sampling and roost and foraging surveys for bats, (8) small mammal trapping using live Sherman traps, and (9) track and camera station surveys for medium and large mammals.

O4c-2

Dudek. 2011. Baseline Biodiversity Survey for the Escondido Creek Preserve. Report prepared for the County of San Diego Dept. of Parks and Recreation, San Diego, CA.

This report evaluated several properties covering a total of 347 acres, north and south of Elfin Forest Road and Harmony Grove Road, in the vicinity of the Harmony Grove

[1] https://escondidocreek.org/about/places-we-protect/

Response to Comment O4c-2

As a general comment in response to the commenter's May 18, 2017 site visit, please note that the Project site is private property and (excluding access easements to off-site homes) is not open to the public. Although entering the property for reasons other than residential access is considered trespass, the concern with entering the property without the owner's knowledge or permission makes it impossible to confirm or understand the extent of the site observed.

The biological resources scopes of work completed by other firms for the Del Dios Highlands Preserve (DDHP) and Escondido Creek Preserve referenced by the commenter are not appropriate for comparison against the scope of work required to be completed for the Project. These reports reflect comprehensive and intensive biological surveys for the purpose of gathering a complete and all-inclusive data set on biodiversity within two existing County preserves. The reports were not prepared for the purposes of establishing a baseline or analyzing potential impacts of a project in accordance with CEQA. The comprehensive and intensive level of effort to establish a complete biodiversity baseline is not required for the Project. That sort of study details every species noted on site. That is not the requirement for identification of significant impacts under CEQA, which focuses on impacts to populations under threat, and therefore required review of species identified as sensitive and the quality of habitats that support them. The County has detailed requirements for contents and standards of review for preparation of documents in compliance with CEQA. The study completed for the Project, is comprehensive and appropriate for establishing a baseline and analyzing potential impacts in accordance with CEQA and County 2010 Guidelines for Determining Significance and Report Format and Content Requirements in that the study focuses on determining presence or absence and assessing potential for occurrence of sensitive biological resources afforded protection by local, State, and federal regulations for the Project.

Numerous surveys were completed for the Project from 2014 to 2017, including all surveys required to adequately establish baseline conditions and analyze potential impacts in accordance with CEQA and County guidelines.

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	Following the winter rains, additional rare plant and Hermes copper butterfly surveys were undertaken in 2017 that included the period when the EIR was in print or out for public review and that were therefore not referenced in the Draft EIR or by the commenter, with both efforts confirming the findings of the previous survey efforts. Specifically, the update rare plant surveys and botanical inventories were completed by qualified HELIX biologists in March, April, May, and June 2017. Although some additional common (i.e., frequently seen and not threatened) plant species were noted, no new sensitive plant species were observed and the findings are in agreement with previous surveys completed for the Project. The common plants observed [such as canchalagua or charming centaury (*Zeltnera venusta*)], do not affect significance assessments for this Project. Updated Hermes copper surveys were completed by qualified HELIX biologists in May and June 2017. No Hermes copper or additional host plant resources were observed and the findings are in agreement with previous surveys for the Project. The 34 biological surveys and other non-specific site visits conducted by Project biologists at the Project site between the years 2014 and 2017 are well in-line with what is required under CEQA and County guidelines. Based on HELIX's extensive experience in San Diego County, the number of surveys and site visits completed for the Project are above and beyond what is typically undertaken for projects with similar scope and biological resources issues. Last, both reports referenced by the commenter, in addition to other data, were reviewed for context and in establishing a baseline for the local and regional area. In fact, contrary to this comment, the studies completed for the DDHP were reviewed extensively for issues pertaining to soils, vegetation communities, and sensitive species with potential to occur in the local area. Specifically, Section 1.4.5 of Appendix E of the Draft EIR references the DDHP Resource Management Plan. The County does not agree that the Draft EIR is deficient and the Draft EIR does utilize information from these studies.

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 South project site. As discussed on Page 35 of their report, Dudek's field work included several studies: ... vegetation community mapping; sensitive/rare plant surveys and mapping of invasive non-native plants; butterfly surveys; herpetological surveys (using pitfall arrays and cover-boards); avian point count surveys; small mammal trapping; acoustical bat surveys; and medium and large mammal camera surveys. As discussed Pages 2-3.1 and 2-3.2 of the DEIR, the project biologists (from HELIX) conducted the following studies: 1. General biological surveys on March 7, July 24 and August 26, 2014, September 4, 2015, and March 31 and April 3, 2017. 2. Rare plant surveys on April 30, 2014, and on March 31 and April 3, 2017. 3. Focused inventory of Wart-stemmed Ceanothus and follow-up survey for Encinitas Baccharis on November 3 (2014?). 4. Protocol surveys for Hermes Copper butterfly, Burrowing Owl, Coastal California Gnatcatcher, and Least Bell's Vireo in 2014. O4c-2 Considering that the Technology Associates and Dudek technical reports were prepared for the County of San Diego (the CEQA lead agency for the Harmony Grove Village South DEIR), and given that those biological consulting firms conducted various types of studies that HELIX biologists did not conduct for the Harmony Grove Village South DEIR (e.g., intensive herpetological surveys, small mammal trapping, focused bat surveys, and camera surveys for mammals), the DEIR is deficient in failing to utilize either the report by Technology Associates (2009) or the report by Dudek (2011) as important sources of recent baseline information on biological resources recorded in the nearby vicinity of the Harmony Grove Village South project site. **BIOLOGICAL IMPACTS OF FUEL MODIFICATION NOT QUANTIFIED** Project implementation would entail permanent alteration of a large area of natural habitat around the project perimeter to provide fire safety. I was unable to find a breakdown of the acreage of each plant community proposed for different forms of fuel modification impacts (e.g., thinning, irrigation). Please either direct readers to the table in the DEIR providing this information, if one exists, or provide such a table in the response to comments. Without such a table readers cannot evaluate the extent of fuel modification impacts proposed for the different plant communities. O4c-3 **CONCLUSIONS NOT SUPPORTED BY ADEQUATE EVIDENCE** The DEIR addresses potential project effects upon various listed species, California Species of Special Concern, and other species with "special status," but the project site contains potentially suitable habitat for numerous special-status species known from the project vicinity that the DEIR either (a) dismisses as having low potential for occur- O4c-4	**Response to Comment O4c-3** In accordance with County requirements, all fuel modification areas were identified as permanent impacts within the Draft EIR, with impacts to sensitive vegetation communities requiring compensatory mitigation (regardless of the fuel modification type). The commenter is directed to Figure 13 of Appendix E of the EIR, which depicts the distinct types of direct impacts with respect to biological resources. A breakdown of acreages by type of impact is not germane to the analysis. (In some jurisdictions, thinning, or temporary impacts may be treated as lesser impacts, with differences in required mitigation. That is not the case here.) The County is conservative, and thinning is treated like removal, and temporary impacts are treated as permanent. All the direct impacts are assessed to the same level of significance with respect to requiring compensatory mitigation. Additional discussion is provided in Sections 2.3.2.1, 2.3.2.4, 2.3.2.5, and 2.3.3 of the EIR about the wildlife functions and values expected to be retained, at least in part, within the Project's fuel modification zones. **Response to Comment O4c-4** Species not observed or otherwise detected, but determined to have a high potential to occur, are species that are not federally or State-listed as endangered or threatened. This includes California State species of special concern, County List sensitive plants, and County Group sensitive animals. In accordance with CEQA and County guidelines, the significance of an impact on these non-listed species is determined based largely on whether the impact would occur to an on-site population and/or impact the local long-term survival of the species. The potential for the Project site to support regionally significant populations of these species was analyzed and considered to be unlikely. In accordance with County requirements and CEQA, potential impacts on these species, when the impacts would not result in the loss of an on-site population or impact the local long-term survival of the species, are adequately mitigated through the implementation of habitat-based mitigation. Refer to Response O4c-2 regarding literature review and survey adequacy. The conclusions made in the EIR are based on numerous surveys and site visits, in addition to a thorough review of available data.

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rence, or (b) fails to mention at all. Some species with high potential to occur are mentioned in the Setting but not accounted for in the Impact Analysis. Finally, as a result of deficiencies in both the literature review and the field surveys conducted for the DEIR, the project biologists set forth conclusions about the likely absence of various special-status species that are not supported by adequate evidence, and some that are actually contradicted by the available evidence. These are serious flaws in the CEQA documentation that require additional field work and additional analyses to remedy. O4c-4

Plant Species

The timing of rare plant surveys excluded May/June, an important blooming period for several rare annual plants that have moderate or even high potential to occur on the project site. During a brief walk through the site's grasslands on May 18, 2017, I observed a population of several dozen native wildflowers known as Canchalagua (*Zeltnera venusta*). This is a fairly common annual plant in the region, with an extended flowering period of April to October:

http://www.calflora.org/cgi-bin/species_query.cgi?where-taxon=Zeltnera+venusta

Exhibits 1 and 2, below, are photos of Canchilagua, both the common pink form and the less prevalent white form, taken on the site:

Exhibits 1 (left) and 2 (right). Canchalagua flowers, both pink and white forms, photographed on the project site in annual grassland near one of the central stands of coastal sage scrub, on May 18, 2017.

The list of plant species that the project biologists observed on the project site, provided as Appendix C to the biological technical report (Appendix E to the DEIR), does not include this conspicuous wildflower, which was hard to miss during my brief, mid-May walk on the site. In my opinion, a rare plant survey effort inadequate to find this annual wildflower cannot be considered adequate to detect various truly rare species that (a) have much shorter flowering periods, (b) typically flower later in the season than the surveys were completed, and (c) may not have flowered at all during the drought spring of 2014, when the main floral surveys for the project were conducted. O4c-5

The commenter provides no specifics about the evidence alleged to be lacking or contradictory to the conclusions made, or the special status species that is of concern. Therefore, no further focused response is required.

Response to Comment O4c-5

Rare plant surveys and botanical inventories were completed for the Project in April, August and November 2014, and were conducted concurrent with other survey efforts in 2014, 2015, 2016 and 2017. Following the 2016/2017 rains that broke the drought, additional botanical inventories were completed in March, April, May and June 2017. These post-drought surveys were completed specifically to ensure that previously mapped conditions were not the result of dry years, and the results bore this out. This information has been updated in the Final EIR Subchapter 2.3, *Biological Resources*, on page 2.3-2 regarding 2017 survey dates and purpose. The 2017 surveys were consistent with the results from previous years.

Again, it should be noted that the Project site is private property and (excluding access easements to off-site homes) is not open to the public. Entering the property for reasons other than residential access is considered trespass and entering the property without the owner's knowledge or permission makes it impossible to confirm or understand the extent of the site observed.

The commenter references an observation of a single common annual plant, Canchalagua (*Zeltnera venusta*) during a May 18, 2017 unauthorized site visit. This is not a rare plant, but rather, as the comment states, a common annual. This common plant was in fact observed during the additional post-drought rare plant surveys completed for the Project in May and June 2017. Therefore, the observation of this plant is consistent with the findings of the additional rare plant surveys completed for the Project in May and June 2017, which further confirms the findings of the previous survey efforts. The plant species compendium for the Project in the Biological Resources Technical Report Appendix A has been updated and can be found in Appendix E to the EIR.

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Furthermore, the Biological Resources section of the DEIR discounts the potential for several plants to occur on the site due to putative lack of clay soils, yet Table 3.1.2-1 on Page 3.1.2-14 of the DEIR clearly states that project geologists have identified clay soils with "High" expansion potential on the project site:

Huerhuero	Moderately well-drained loam with a clay subsoil derived from marine sediments. Occurs on shallow to moderate slopes along the west-central site boundary.	High	Strongly acidic to neutral (pH 5.1 to 7.8)	Low to moderate
Las Posas	Well-drained, moderately deep stony fine sandy loam with a clay subsoil derived from igneous rock. Occurs on shallow to moderate slopes in the northeastern central and southern portions of the site.	High	Neutral (pH 6.6 to 7.3)	Moderate

O4c-6

Page 3.1.2-10 the Geology and Soils section of the DEIR states:

> Soil conditions encountered on site range from very low expansive silty sands, to potentially highly expansive topsoil, alluvium and/or colluvium containing clay materials. Specifically, several mapped on-site soils exhibit moderate or high expansion potential (refer to Table 3.1.2-1), and the Project geotechnical investigations identify the presence of clay soils in alluvium and note that observed colluvial deposits "…generally possess low to high expansion potential…" Accordingly, a number of standard measures are identified to address potential expansion impacts.

The documented presence of two types of clay soils on the site flatly contradicts the DEIR's assertions that certain rare plants have low potential to occur on the site due specifically to lack of clay soils.

The following discussions address rare plant species that have legitimate (i.e., moderate or high) potential to occur on the site, but that the DEIR dismisses as having "very low" potential to occur (or that the DEIR fails to mention at all).

O4c-7

***Brodiaea filifolia* – Thread-leaved Brodiaea.** California Native Plant Society (CNPS) List 1B.1. This federally threatened and state endangered bulbiferous annual herb is found mainly in grasslands. Dudek (2011) considered this plant to have "moderate potential to occur" in grasslands elsewhere in the project vicinity (Page D-3). Appendix E to the DEIR characterizes this plant as having "very low" potential for occurrence: "No clay soils or vernal pools occur on site. Species would have been observable during the April 2014 survey if present." As noted previously, however, the DEIR also states that clay soils do occur on the site. In San Diego County, 2014 was the third consecutive drought year, and so annual herbs like Thread-leaved Brodiaea may have been difficult to find, or possibly did not bloom at all. Furthermore, this species blooms mainly in May and June, months in which no floral surveys of the project site were conducted.

Response to Comment O4c-6

Please refer to Response to Comment O4c-5 regarding timing of Project surveys. These surveys included targeted and comprehensive inspections of the Project site for plant species and confirmed the absence of the plants mentioned by the commenter. The cited EIR text is accurate. The analysis of soils with respect to having clay components was considered in determining potential to occur for plant species. Many of the sensitive plants mentioned by the commenter in subsequent comments are more associated with specific clay soil series than they are with other soils containing clay inclusions. For example, in San Diego, Orange, and Los Angeles Counties, it has been well documented that occurrences of thread-leaved Brodiaea are highly correlated and therefore have a high potential to occur in association with specific clay soil series such as, but not limited to: Alo, Altamont, Auld, and Diablo or clay lens inclusions in a matrix of loamy soils such as Fallbrook, Huerhuero, and Las Flores series, which occur on mesas and hillsides with gentle to moderate slopes, or in association with vernal pools (USFWS 201176 FR 6854; DOI 2011 50 CFR Part 17). Considering the soil requirements for this species in San Diego County, the Project site lacks all of them, except for the portion supporting Huerhuero soils, which is limited to a very small area along the western boundary of the site, as depicted on Figure 7 of Appendix E. No thread-leaved Brodiaea or other sensitive plant species were observed in this or any other area on the Project site during Project surveys. Regardless of the potential to occur determinations and soil conditions encountered, the floristic surveys completed throughout the Project site, and especially those completed in post-drought and optimal conditions in May and June 2017, confirmed the absence of the species mentioned by the commenter.

Response to Comment O4c-7

Refer to Response to Comment O4c-5 regarding timing of surveys, and Response to Comment O4c-6 regarding the absence of this species and clay soils. Refer to Appendix C of Appendix E of the EIR for a summary determination of the potential for this and other species to occur on the Project site.

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  Note that 30 out of 34 dated records in Calflora from San Diego County are from May 1 or later: http://www.calflora.org/entry/observ.html#srch=t&lpcli=t&taxon=Brodiaea+filifolia&cch=t&inat=r&cc=SDG Based on these considerations, and failure to detect Canchalagua flowers that were readily detectable on May 18, 2017, the project biologists lack adequate evidence to determine the status of Thread-leaved Brodiaea on the project site. ***Brodiaea orcuttii* – Orcutt's Brodiaea.** CNPS List 1B.1. This bulbiferous annual herb is found mainly in grasslands near vernal pools or streams. Dudek (2011) considered this plant to have "high potential to occur" in the project vicinity (Page D-3). Appendix E to the DEIR characterizes this plant as having "very low" potential for occurrence: "No suitable clay soils or vernally moist habitat occur on the site." As noted previously, however, the DEIR states that clay soils do occur on the site, and the site also includes seasonal swales and a perennial creek, both of which qualify as "vernally moist" habitats consistent with this species' habitat requirements. In San Diego County, 2014 was the third consecutive drought year, and so annual herbs like Orcutt's Brodiaea may have been difficult to find, or possibly did not bloom at all. Furthermore, this species blooms mainly in May and June, months in which no floral surveys of the project site were conducted. Note that 89 out of 111 dated records in Calflora from San Diego County are from May 1 or later: http://www.calflora.org/entry/observ.html#srch=t&lpcli=t&taxon=Brodiaea+orcuttii&cch=t&inat=r&cc=SDG The DEIR also fails to note that the iNaturalist contains a photographic record for Orcutt's Brodiaea dated May 24, 2013, attributed to the study area for the project: http://www.inaturalist.org/observations/277682#activity_comment_927424 The iNaturalist page randomizes the locations of special-status species to within 10 km of the reported observation site, and I confirmed with the finder that this record did not take place at the location shown on the map. Nevertheless, this photographic record from the project vicinity should have been acknowledged and discussed in the DEIR. Based on these considerations, and failure to detect Canchalagua flowers that were readily detectable on May 18, 2017, the project biologists lack adequate evidence to determine the status of Orcutt's Brodiaea on the project site. ***Acanthomintha ilicifolia* - San Diego Thorn Mint.** CNPS List 1B.1. Coastal sage scrub and chaparral; small herb. Appendix E to the DEIR characterizes this plant as having "very low" potential for occurrence: "Suitable clay soils do not occur on the site. Species would have been observable during the April 2014 survey if present." As noted previously, however, the DEIR also states that clay soils do occur on the site. In San Diego County, 2014 was the third consecutive drought year, and so annual herbs like San Diego Thorn Mint may have been difficult to find, or possibly did not emerge at all. Furthermore, this species blooms mainly in May and June, months in which no floral sur-	**Response to Comment O4c-8** Refer to Response to Comment O4c-6 regarding clay soils. The focus of the Project studies is the site, and species found there. The observations reported to the iNaturalist website by the user, "snakeinmypocket," are anecdotal and the location is not accurate. This species was not observed on the Project site during any of the 34 surveys and site visits completed for the Project from 2014 through 2017. Refer to Appendix C of Appendix E of the EIR for a summary determination of the potential for this and other species to occur on the Project site. **Response to Comment O4c-9** Refer to Response to Comment O4c-6 regarding clay soils and the absence of this species, and Response to Comment O4c-5 regarding post-drought surveys. Refer to Appendix C of Appendix E of the EIR for a summary determination of the potential for this and other species to occur on the Project site.

O4c-7

O4c-8

O4c-9

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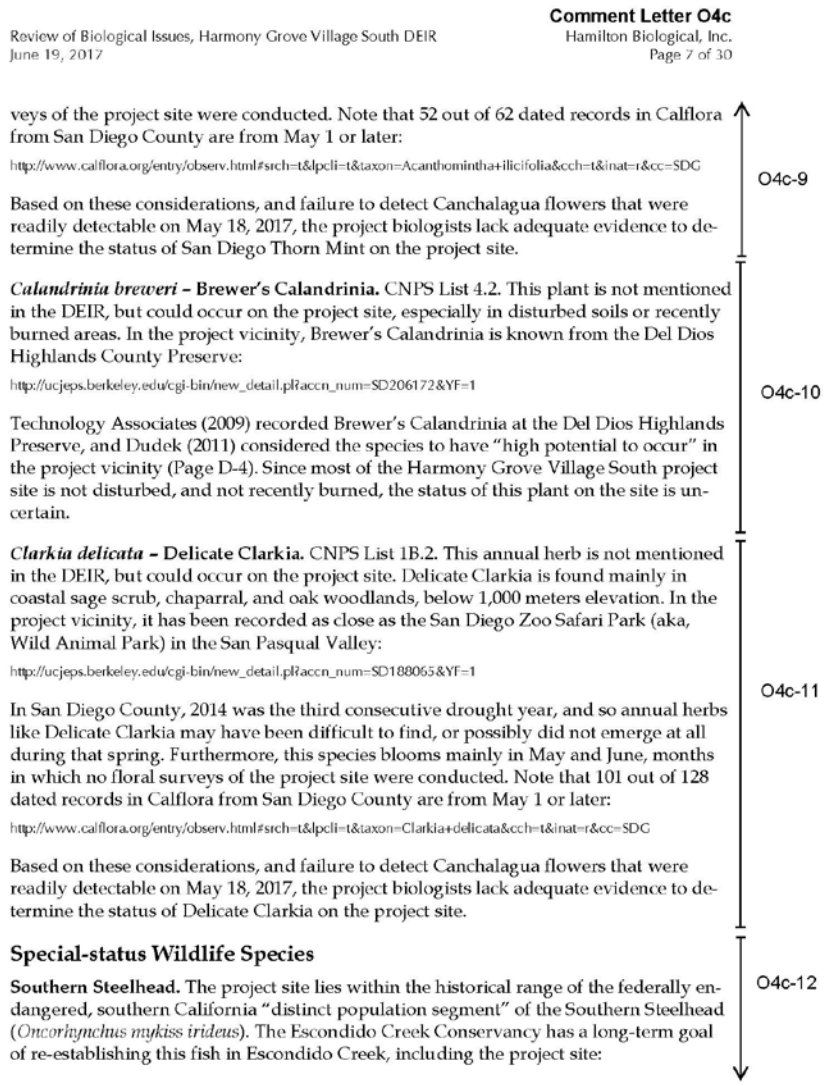	**Response to Comment O4c-10** As noted in the comment, the Project site did not burn in the 2014 fire. The commenter is correct that the species has been previously recorded at the DDHP. The source provided by the commenter includes additional details about the location of the record, specifically stating that the species was observed at "*Del Dios Highlands County Preserve, top of peak, accessed west on trail (road) beginning at Del Dios Highway parking lot, N of Lake Hodges*" and at a "*Dry seep dissecting dirt road/trail*." The Project site does not support the habitat described for the DDHP record, which is a dry seep dissecting an existing dirt road/trail at the top of a peak. The Project site further does not support the disturbed, post-burn conditions reported as being suitable for this species. Regardless, this species was not observed anywhere on the Project site during its blooming period from March through June. **Response to Comment O4c-11** Refer to Response to Comment O4c-6 regarding clay soils and the absence of this species, and Response to Comment O4c-5 regarding post-drought surveys. **Response to Comment O4c-12** The plans of the Conservancy and others to one day restore Southern Steelhead to Escondido Creek are commendable. The species is currently absent from the Project reach of Escondido Creek and is not likely to occur in the foreseeable future without substantial restoration and other actions that are outside of the scope of the Project analysis. The existing condition presents a substantial impediment to upstream fish migration through the Project reach. There are other impediments downstream of the Project reach that also impede with movement. Regardless, replacing the existing Arizona Crossing impediment with a bridge and widening the floodplain would positively represent a substantial habitat improvement for wildlife, including fish such as Southern Steelhead, should the area ever be restored to sustain the species in the future.

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http://www.sandiegouniontribune.com/sdut-region-conservancy-aims-to-return-steelhead-to-2011aug27-story.html

In the linked article, former Conservancy President Steve Barker is quoted:

> The Escondido Creek is quite habitable to steelhead. It's one of the few creeks that has open access and year-round water... The county and state spent a lot of money buying habitat in this watershed, so it's going to stay pristine for years to come.

The newspaper article continues:

> Despite their ability to adjust to a shifting environment, the fish nearly vanished in the latter part of the last century. Scientists list their Southern California populations at fewer than 500 fish, said Penny Ruvelas, the Southern California office supervisor for the National Marine Fisheries Service.
>
> The conservancy proposes to help arrest that decline with a "rescue hatchery" on Escondido Creek, which would protect and breed some of the remaining fish stock for possible reintroduction to the creek or other regional waterways.

O4c-12

What are the potential effects of the proposed project upon the Southern Steelhead and the Conservancy's plans for restoring this listed taxon in the project vicinity? Since Southern Steelhead move upstream during winter high-flow events, when water in Escondido Creek overflows the existing "Arizona crossing" of Country Club Drive, the plan to replace this crossing with a bridge does not appear to represent a substantial habitat improvement for the fish. Please discuss the potential adverse project effects upon fish habitat in terms of degradation of water quality, increased sedimentation, changes in runoff patterns, etc.

Western Spadefoot. The Biological Resources section of the DEIR fails to mention this California Species of Special Concern. Appendix E to the DEIR reports that this toad has "low" potential to occur there: "Suitable habitat found on site is limited. Bullfrogs and crayfish occur off site along Escondido Creek." But Western Spadefoots use seasonal ponds *outside* of riparian zones, then move into nearby grasslands to aestivate. As described at http://www.californiaherps.com/frogs/pages/s.hammondii.html:

> Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.
>
> Breeding sites include vernal pools and other temporary rain pools, cattle tanks, and occasionally in pools of intermittent streams. Typically the pools are turbid with little or no cover.
>
> Breeding takes place after heavy rainfall and the formation of temporary shallow rain pools, typically from January to May, peaking in February and March, but this species of spadefoot is an opportunistic breeder, physiologically capable of breeding at any time if conditions are favorable. One pond full of tadpoles was found in San Diego County in August after a heavy rainstorm.
>
> Breeding typically occurs 1 - 2 days after heavy rains, sometimes as few as one or two nights each year at a particular location. There may be additional breeding during later rains.

O4c-13

Response to Comment O4c-13

Refer to Response to Comment O4c-4 regarding significance thresholds, impacts, and mitigation for non-listed species with potential to occur. Review of available aerial imagery during the years in which Project studies took place show the area referenced by the commenter as being included in the Harmony Grove Village active restoration area. No ponding is evident from the imagery, although the larger floodplain area in the immediate vicinity appears to have flooded and inundated in the past. The Project would have no impact on the area referenced by the commenter as potentially supporting breeding habitat for this species. The potential for the species to occur within the Project site was analyzed and suitable upland estivation habitat was found, although confirmed to be limited. No sign or evidence of the species was found during the biological surveys completed at the Project site. In accordance with County requirements and CEQA, potential impacts on this species, when the impacts would not result in the loss of an on-site population or impact the local long-term survival of the species, are adequately mitigated through the implementation of habitat-based mitigation. Habitat-based mitigation ensures compensation for the loss of habitat for the species that does not support local populations and is not critical for the local long-term survival of the species. This is considered adequate mitigation because, to the extent available, the habitat-based mitigation will be directed within areas designated as Pre-Approved Mitigation Area (PAMA) under the draft North County Plan, and this, areas supporting habitat for multiple species.

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Adults emerge from their underground refuges and move to the breeding pool. Pools do not always occur in the same place each year, so the adults may be scattered at a distance from the pool. The loud calls of the first male to enter the pond quickly attract other males and females. During dry years, breeding pools may not form at all and breeding will not take place.

During my investigation of the site and nearby areas on May 18, I found a substantial seasonal pool approximately 550 feet west of the Harmony Grove Village South project site (see Exhibits 3 and 4, below).

Exhibit 3. Photo showing seasonal pond on May 18, 2017, as viewed facing east toward the Harmony Grove Village South project site.

O4c-13

Exhibit 4. Location of seasonal pond relative to the Harmony Grove Village South project site (shown in red).

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  The project biologists apparently did not investigate whether Western Spadefoots utilize the seasonal pool shown in Exhibits 3 and 4, although the pond represents suitable breeding habitat, and the project biologists failed to report that grasslands on the project site represent suitable aestivation habitat for any toads that breed in the pond. Furthermore, the DEIR fails to report: • Technology Associates (2009) captured a Western Spadefoot in a pitfall trap located "on a south-facing slope composed of sparse southern mixed chaparral." • Dudek (2011) detected Western Spadefoots "during 2010-11 amphibian surveys conducted along Escondido Creek." In summary, the DEIR (a) mischaracterizes the habitat requirements of this toad, focusing on Escondido Creek instead of seasonal ponding features; (b) does not report the presence of a suitable breeding pond near the project site; and (c) fails to acknowledge that both Technology Associates (2009) and Dudek (2011) found Western Spadefoots in the project vicinity, including one record in chaparral, well away from any water source. In these important ways, the DEIR both mischaracterizes the habitat requirements of this species and fails to report known occurrences within nearby areas, and therefore misrepresents the potential for Western Spadefoots to occur on the project site. O4c-13 The known facts support a conclusion that this special-status species has high potential to aestivate in annual grasslands (and possibly other upland habitats) on the project site. Thus the EIR should identify a potentially significant impact to the Western Spadefoot and its annual grassland aestivation habitat. Required mitigation for this impact should be required to demonstrate a tangible conservation benefit to the Western Spadefoot population within the Escondido Creek watershed, as close to the site of impact as feasible. **Blainville's (Coast) Horned Lizard.** Page 2.3-13 of the DEIR states that this California Species of Special Concern has potential to occur on the project site, although it was not observed (the project biologists reported finding only a single lizard species, the ubiquitous Western Fence Lizard, and no snake species, on the project site). Page D-3 in Appendix E to the DEIR characterizes the species' habitat requirements: > Occurs in coastal sage scrub, chaparral, open oak woodlands, and open coniferous forests. Important habitat components include basking sites, adequate scrub cover, areas of loose soil, and an abundance of harvester ants (*Pogonomyrmex* sp.), a primary prey item. O4c-14 This incomplete description fails to acknowledge that Blainville's Horned Lizard also utilizes grasslands. See, for example: http://www.californiaherps.com/lizards/pages/p.blainvillii.html: > Inhabits open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains. Found in **grasslands**, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil. [emphasis added]	**Response to Comment O4c-14** See Response to Comment O4c-4 regarding significance thresholds, impacts, and mitigation for non-listed species with potential to occur. Potential impacts on this and other non-listed species determined to have a high potential to occur are mitigated through habitat-based mitigation in accordance with County requirements.

COMMENTS	RESPONSES

Technology Associates (2009, Page 96):

> This lizard occupies open habitats such as **grasslands**, coastal sage scrub, and chaparral, with loose soils. Horned lizards forage on the ground in open areas, often between shrubs and near ant nests (Morey 2000). They are also commonly found along dirt roads and trails. [emphasis added]

In fact, during our site visit on May 18, 2017, we found and photographed the fresh carcass of a Blainville's Horned Lizard that appeared to have been run over by a bicycle on a dirt road ***within the site's annual grasslands***:

Exhibit 5. Adult Blainville's Horned Lizard, recently killed, photographed May 18, 2017, on a dirt road in annual grassland habitat on the project site.

O4c-14

Thus, while the DEIR correctly identifies a high potential for this special-status species to occur on the site, the document fails to correctly identify the range of habitats known to be utilized by Blainville's Horned Lizard and therefore misrepresents the nature and extent of impacts to this species and occupied habitats.

As discussed subsequently, the DEIR fails to identify any potentially significant impacts to Blainville's Horned Lizard or several other special-status species that the DEIR reports as having "high" potential to occur on the project site, and is therefore deficient.

Western Pond Turtle. This California Species of Special Concern is not mentioned in the Biological Resources section of the DEIR. Page D-5 of Appendix E describes the species' preferred habitat as follows:

O4c-15

> Almost entirely aquatic; occurs in ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation. Requires basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.

Response to Comment O4c-15

The cited text in Appendix E is accurate. The species was determined to have a low potential to occur and the habitat is of low quality. It is well documented that occupied and high quality aquatic habitat for the species consists of habitat with abundant logs, rocks, submerged vegetation, mud, undercut banks, and ledges for cover and water depth greater than 2.0 meters. The Project site does not support these high-quality habitat components. For example, the site lacks abundant logs, submerged vegetation, and ledges. Water depth is also shallower than 2.0 meters. In addition, the site is subject to urban-related predation pressures that are well documented as adversely affecting the species and its habitat, including predation on young by introduced aquatic species that are known to occur, including bullfrogs, largemouth bass, dogs, raccoons, skunks, and other predators. An unidentified turtle was observed by one of the Project biologists. The unidentified turtle was not likely to have been western pond turtle and was likely a red-eared slider (Trachemys scripta elegans) given the existing conditions and abundance of the introduced species in the region. The conditions observed at the Project site are more typical of habitat that is suitable for the red-eared slider. This agrees with the commenter's understanding of the negative western pond turtle survey findings reported by others.

COMMENTS	RESPONSES

The same table on Page D-5 characterizes the potential for this turtle to occur on the project site as "Low" and states, "Suitable aquatic habitat occurs to the north of the site along Escondido Creek; however, the habitat is of low quality." The DEIR provides no further analysis. Exhibit 6, on the following page, is a photo of Escondido Creek as viewed from Country Club Drive.

Exhibit 6. Photo showing dense willows in Escondido Creek on May 18, 2017, as viewed facing west (downstream) from the crossing of Country Club Drive.

It is my understanding that the U.S. Geological Survey and The Escondido Creek Conservancy did survey for Western Pond Turtles in the project vicinity in recent years, and did not find this species. Clearly there must be reasons for this, but between this large, perennial stream and the nearby pond with adjacent open fields that appear to be suitable for egg-laying (shown in Exhibits 3 and 4 of these comments), the project biologists fail to identify what aspect of the habitat should be regarded as being "of low quality" for the Western Pond Turtle.

Page B-1 of the biological technical report indicates that an "unidentified turtle" in the Emydidae was detected on the project site. Since this sighting is not discussed anywhere in the report, it is unclear how the project biologists determined that this turtle could not have been a Western Pond Turtle.

O4c-15

California Gnatcatcher. The DEIR identified one pair of this federally threatened species, nesting in coastal sage scrub and southern mixed chaparral habitats on the project site. During the brief field visit on May 18, 2017, I observed two adult males utilizing coastal sage scrub on the northeastern side of the project site, in the general area where the EIR biologists observed the single nesting pair. See Exhibits 7 and 8, below.

Exhibits 7 (left) and 8 (right). Two adult male California Gnatcatchers photographed on May 18, 2017, utilizing coastal sage scrub growing in the northeastern portion of the project site.

It is likely that both males were mated, and that the females were on nests, but the site visit was too brief to allow for confirmation.

O4c-16

The discussion of wildlife movement on Pages 2.3-18 of the DEIR contains the following discussion of the California Gnatcatcher:

> Core habitat for gnatcatcher does not exist on or in the vicinity of the study area. Known breeding locations for gnatcatcher are limited and include the one breeding pair found along the eastern boundary of the site in 2014, in addition to two gnatcatcher occurrences (presumed to be breeding) north of the study area, on the north side of Escondido Creek and Harmony Grove Road, within the HGV open space.

As noted above, I documented two adult males on the site on May 18, 2017.

Page 2.3-19 continues:

> Previous agricultural uses eliminated much of the coastal sage scrub in the local area and the upland habitat that remains is mostly chaparral and grassland. The Draft MSCP North County Plan California Gnatcatcher Habitat Evaluation Model ranks the habitat within the study area itself and further to the east as having no value to the gnatcatcher for nesting (County 2008b).

This is a misuse of the Habitat Evaluation Model, which was intended to help evaluate conservation priorities over a large scale rather than actually determining on the potential value of any single site to California Gnatcatchers. The fact that at least one or two pairs of gnatcatchers uses the habitat on the Harmony Grove Village South project site for nesting indicates that the site ***has value to the gnatcatcher for nesting.***

Response to Comment O4c-16

The cited text in the EIR is accurate. Consistent with the comment, the EIR does find that the Project site has value to the California gnatcatcher (CAGN) for nesting, as it documents the presence of a nesting pair. Section 2.3.1.1 of the EIR also notes other incidental CAGN observations on other portions of the site during non-protocol surveys and site visits, like that completed by the commenter, and documents the presence of known occurrences north of Escondido Creek. This is also addressed in Section 2.3.2.5 of the EIR. Regardless, these findings do not result in identification of "core" habitat, which is the focus of the cited text. Extensive evaluation was completed for habitat value on and near the site for the species, as provided in Sections 2.3.1.1 and 2.3.2.5 of the EIR, Appendix E of the EIR, and the draft HLP findings for the Project. The EIR does not discount the value of the on-site habitat for the species based on the information gathered for the study. It is acknowledged that the Habitat Evaluation Model has limitations in the way described by the commenter. Habitat Evaluation Model rating was provided for informational purposes, but the vegetation mapping, and ultimate findings – including identification of significant impacts, and identification of required mitigation – are based on the detailed site-specific evaluation carried out for the Project. Following this method, potential significant impacts were identified for CAGN and Diegan coastal sage scrub (CSS), and successful implementation of mitigation measures M-BI-1b, M-BI-4, M-BI-5b, and M-BI-5c would reduce the impacts to less than significant.

Next, the comment introduces a quote stating that CAGN may be more abundant in areas of less dense scrub and in areas of CSS-grassland interface than in areas where CSS grades into chaparral. These comments are noted, and again, although they are presented as if they are at variance with the EIR, they are not. The nesting pair was identified in an area where CSS is not particularly dense, and where there is enough disturbed area that dirt, or non-native grassland species also exist. The low quality of the grassland relative to CAGN foraging and dispersal, however, and the stated close presence of extremely dense chaparral, results in the small locales of CSS not having high quality for breeding.

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  Page 2.3-19 continues: > This is consistent with the patchiness of scrub habitat inventoried during 2014 surveys, despite one gnatcatcher pair confirmed along the eastern boundary. The scrub also supports a prevalence of chaparral and grassland constituents due to its adjacency with these habitats, which have been established in the area for some time. The prevalence of chaparral and grassland constituents in the scrub reduces the quality of the habitat for breeding gnatcatchers, although it still provides habitat for dispersal and migration. The notion that a presence of chaparral or especially grassland elements in the site's coastal sage scrub "reduces the quality of the habitat for breeding gnatcatchers" is unsubstantiated and speculative. In fact, with respect to grasses, the *Birds of North America* species account[2] suggests that the opposite is true: > More abundant near coastal sage scrub–grassland interface than where coastal sage scrub grades into chaparral. **Areas of dense scrub occupied less frequently than more open sites**: perennial cover on territories in Orange Co. 23–50% (mean 34%, n = 12), in s. San Diego Co. 23–50% (mean 38%, n = 7), and 27–56% in sw. Riverside Co. **Increased cover of grass and forbs among variables associated with increased fledging success in Riverside Co.** [emphasis added; citations and references to figures omitted for clarity.] The following tortured language starts the second paragraph on Page 2.3-19: > While the Project site itself does not function as a corridor, the eastern edge of the site likely contributes to north-south wildlife movement that occurs through the general area referred to as West Ridge, which would connect known coastal California gnatcatcher occurrences north of Escondido Creek to other known occurrences south and southeast of the site within the DDHP. O4c-16 The DEIR is attempting to draw a fine line between an area that "functions as a corridor" and an area that "likely contributes to north-south wildlife movement." For California Gnatcatchers, the Harmony Village South project site lies within approximately one mile of the Lake Hodges "core" population, and is connected to that core via the "West Ridge" corridor. The bottom of Page 2.3-20 attempts to assemble the pieces into a coherent argument against recognizing the Harmony Grove Village South site as having high value to the California Gnatcatcher: > In summary, gnatcatcher presence in the local area is limited to a few scattered known occurrences, including the breeding pair confirmed along the eastern boundary of the site in 2014 and two occurrences in the Harmony Grove open space. Overall habitat quality for gnatcatcher is low, as previous human activity eliminated much of the coastal sage scrub, and the upland habitat that remains is mostly chaparral and grassland. A direct, north-south connection of core habitat between DDHP and Escondido Creek does not exist through the Project site due to the large area of non-native grassland, which serves as an exposed break [2] Atwood, J. L. and D. R. Bontrager. 2001. California Gnatcatcher (Polioptila californica), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: http://bna.birds.cornell.edu/bna/species/574.	Appendix F of Appendix E to the EIR provides several representative photographs of the CSS found on site, including the CSS where the nesting pair was identified. CAGN territory can vary from very few acres to a large number of acres. As provided in Sections 2.3.1.1 and 2.3.2.5 of the EIR, Appendix E of the EIR, and the draft HLP findings for the Project, the presence of a single pair does not automatically imbue the small holdings of on-site CSS habitat with a higher quality. It simply means that it has enough aspects to support a nest. Please also note that the nest seemed well established, as CAGN were heard from roughly the same locations and in the same quantity over the years Project biologists were on site. The quality of the habitat also was confirmed in conversation between Project biologists, County biologists, and resource agency biologists during 2015 and 2017 site visits. Relative to the discussion of corridors versus areas that might support north-south movement, the comment attempts to categorize the discussion as questionable, and implies that the two are one and the same and that the Project analyses are inappropriately parsing concepts. In fact, these are two different issues. Identified corridors are the result of resource or planning agency identification and potential impacts to them are provided a high level of scrutiny. Despite the fact that no identified corridors are on site based on the draft North County Plan, the Project conservatively analyzed whether there might still be impacts related to general more localized movement or linkage, consistent with County required analysis guidelines. As accurately defined in the EIR, corridors and linkages are linear arrangements of live-in and temporary habitat that provide for an avenue of movement between two important habitat areas. Corridors and linkages connect core CAGN population areas in San Diego County. The Project site and immediate vicinity is not situated along a corridor or linkage that connects two core CAGN population areas. This is addressed extensively in Sections 2.3.1.1, 2.3.2.1, 2.3.2.4, and 2.3.2.5 of the EIR, Appendix E to the EIR, and the draft HLP findings. Similarly, there is no "clever intent" behind use of the phrase "limited to a few scattered known occurrences." Rather, the statement is accurate. After

COMMENTS	RESPONSES
	years of work in the area on both the Harmony Grove Village site mitigation and assessment studies for the Harmony Grove Village South site, only a few, consistent but scattered, occurrences of CAGN are known. In fact, a majority of the lands in the immediate vicinity of the Project site have been surveyed for CAGN and other species as part of the biodiversity studies completed for local preserves. In addition, the use of known occurrences applies to the species records data available from the USFWS and California Natural Diversity Database (CNDDB). Nonetheless, it is acknowledged that not all properties in the area have been surveyed. The language is precise in that it does not imply that only the known birds could possibly exist. However, it is also noted that the general area surrounding the Project site is heavily dominated by dense chaparral, with some areas characterized by steeps slopes and rugged terrain, which limits CAGN use, especially for breeding functions. The language appropriately focuses on the impact area and data known to be sure from the immediately surrounding area, and does not imply findings beyond what can be documented. Citing locations in the area where the species has been confirmed present or absent based on previous surveys is entirely appropriate in understanding CAGN status and distribution in the area. The combination of a reduced number of known CAGN occurrences, reduced amount of suitable CSS habitat, and lack of core CAGN habitat in the local area reduces the value of the habitat on the Project site. The “unknown occurrences that nobody could know about because the necessary surveys have not been completed” are immaterial to this Project, which must focus on impacts to and mitigation for, the Project site.

COMMENTS	RESPONSES

in the scrub and chaparral. Areas along the eastern boundary of the site could facilitate north-south movement to and from Escondido Creek, although the habitat is patchy and constrained by existing residential uses.

The characterization of the local population as "limited to a few scattered known occurrences" is cleverly worded. What about "unknown occurrences" that nobody could know about because the necessary surveys have not been completed?

O4c-16

The project biologists cannot cite negative results of recent protocol surveys for California Gnatcatchers documenting the species' status and distribution in the expanses of suitable habitat that exist outside of the Harmony Grove Village site. It is, therefore, inappropriate for the DEIR to refer to lack of "known occurrences" of gnatcatchers in the project vicinity as evidence that occupied habitat on the project site is of reduced value to the species.

The five-year regional drought that broke in 2016/2017 undoubtedly depressed the number and distribution of California Gnatcatchers across southern California[3,4]. During my own monitoring of various sites in southern California during the past decade, I observed the localized extirpation of gnatcatchers from many areas of marginally suitable habitat. Those marginal areas showed themselves to be capable of supporting nesting pairs only under favorable climatic conditions. Areas that maintained nesting gnatcatchers for the duration of this extended drought, such as the Harmony Grove Village South site, have thus been demonstrated to possess more than marginal value to the species. Were it to be shown that the California Gnatcatcher population in the local area in spring 2017 does, in fact, consist of only widely scattered pairs, we would have to factor in the temporary population reduction that five straight years of drought will inevitably produce. This drought did not break until *after* the 2016 nesting season, meaning that production of young cannot be expected to increase until the current (spring/summer 2017) nesting season. Thus, biologists cannot expect to observe any rebounding of the local or regional gnatcatcher population until after completion of the current nesting season (assuming a boost in productivity related to the breaking of the drought), and perhaps multiple nesting seasons in non-drought conditions.

O4c-17

Additionally, the suggestion that the site's grasslands represent an "exposed break in the scrub and chaparral" that would inhibit gnatcatcher dispersal is speculative and un-

O4c-18

[3] Erickson, R. A., and Miner, K. L. 1998. Six years of synchronous California Gnatcatcher population fluctuations at two locations in coastal Orange County, California. Western Birds 29:333-339.

[4] Preston, K., P.J. Mock, M. Grishaver, E. Bailey, and D. King. 1998. California Gnatcatcher territorial behavior. Western Birds 29:242-257.

Response to Comment O4c-17

Comments noted. Relative to the contention that the site might support an additional pair of birds following the end of the drought, this is immaterial to assessment of significant impacts. The habitat is already identified as supporting the species, which results in identification of a significant impact, and the resulting requirement for 2:1 mitigation through purchase of off-site "occupied" habitat known to support CAGN.

Response to Comment O4c-18

Regarding inhibition of CAGN dispersal, again, the comment implies that the Project findings disagree with the comment. This is not true. As stated on EIR page 2.3-19, "the prevalence of chaparral and grassland constituents in the scrub…provides habitat for dispersal and migration."

Please refer to Response to Comment O4c-16 regarding the overall quality of habitat relative to CAGN, as well as resource agency confirmation of the assessment during a field visit.

COMMENTS	RESPONSES

founded. Juvenile California Gnatcatchers disperse in late summer and fall and move through many types of habitat, including grasslands[5].

My opinion, based upon (1) 26 years of study of California Gnatcatchers across southern California, and (2) my observation of two adult males on the site in May 2017, is that occupied coastal sage scrub on the east side of the project site is consistent with habitat of high quality for the gnatcatcher, and contributes toward the ability of this federally threatened species to maintain a substantial population in the Lake Hodges/Del Dios/Harmony Grove area. The DEIR provides inadequate evidence to support a conclusion that coastal sage scrub on the northeast side of the project site represents anything but high quality habitat for the California Gnatcatcher.

O4c-18

Southwestern Willow Flycatcher. This songbird, listed as endangered by state and federal governments, nests in broad, densely vegetated riparian woodlands, typically close to open water or saturated soil. Page D-4 in the biological technical appendix states that the Southwestern Willow Flycatcher has "very low" potential to occur on the site. "Very little potential habitat to the north of site within Escondido Creek and is unlikely to support this species" [*sic*]. Exhibit 6 on Page 13 of these comments, and Exhibit 9, below, show the riparian woodland of Escondido Creek as viewed upstream and downstream of Country Club Drive.

Exhibit 9. Photo showing dense willows in Escondido Creek on May 18, 2017, as viewed facing east (upstream) from the crossing of Country Club Drive.

O4c-19

Having conducted protocol surveys for the Southwestern Willow Flycatcher since the early 1990s, it is my opinion that the habitat shown in Exhibits 6 and 9 – featuring year-round water flow and dense, tall willows that extend 110-260 feet across the width of

[5] Bailey, E. A. and P. J. Mock. 1998. Dispersal capability of the California Gnatcatcher: a landscape analysis of distribution data. West. Birds no. 29:351-360.

Response to Comment O4c-19

The potential for species to occur is based not only on the whether the species habitat associations are present, but more importantly on whether the site is located on or near an area where the species is known to occur. This is especially true and important for a migratory species like the southwestern willow flycatcher, which has limited locations in San Diego County for breeding, none of which include the Project reach of Escondido Creek. Although marginal habitat for the species occurs in the Project reach, the species is not likely to range through the local area in this part of San Diego County; therefore, the species was determined to have a very low potential to occur. In addition, the species was not observed or otherwise detected during least Bell's vireo surveys or any other surveys completed for the Project. Finally, the species has never been observed or detected during surveys for Harmony Grove Village, which include surveys by Project biologists holding USFWS permits for the species.

COMMENTS	RESPONSES

the creek – represents potentially suitable habitat for this species. Please discuss in detail the specific habitat features identified by project biologists that led them to conclude that the Southwestern Willow Flycatcher has "very low" potential to nest in the portion of Escondido Creek that would be affected by project implementation. O4c-19

IMPACT ANALYSES INCONSISTENT WITH CEQA AND ITS GUIDELINES

These comments pertain to Section 7.2 of the biological technical appendix, Analysis of Project Effects.

Project Effects on Grasslands

Page 95 states:

> With respect to local preserve design configuration, the grassland located within PAMA on the site **is not occupied by sensitive species**, is not essential to facilitate wildlife movement in the local area, and although it does function as foraging habitat for raptors, it does not represent the only available foraging habitat in the local area. [emphasis added]

Page 96 states:

> The majority of Project impacts are restricted to non-native grassland that had been previously disturbed and subject to incompatible lands uses for many years. This grassland is identified as PAMA and high value habitat under the Draft North County Plan; however, it **does not support key habitat or target species for the Draft North County Plan, as demonstrated by biological surveys for the Project. The grassland provides open undeveloped land adjacent to the Escondido Creek corridor; however, it does not support critical populations of species or provide an abundance of food, shelter, or other biological resources, as evidenced by the results of the biological surveys.** [emphasis added] O4c-20

The bolded statements in these paragraphs are contradicted by numerous relevant facts:

- Project biologists failed to detect Canchalagua, a common spring-and-summer-flowering wildflower species I documented in the site's grasslands during a brief walk in May 2017 (see Exhibits 1 and 2 on Page 4 of this letter). Failure to detect this conspicuous species provides strong evidence that the floral surveys conducted for this project were inadequate to detect several rare species known from the project vicinity.
- Most of the floral surveys for this project were conducted three years into a serious drought, none of the surveys took place during the critical May/June flowering period, and project biologists deny the presence of clay soils that the Geology/Soils section of the DEIR identifies as occurring on the site. As a result, the project biologists have no credible basis for concluding that two rare, grassland-associated wildflowers, Thread-leaved Brodiaea (*Brodiaea filifolia*) and Orcutt's Brodiaea (*Brodiaea orcuttii*), are absent from the site's grasslands. O4c-21
- The project biologists observed only one very common reptile species on the site, the Western Fence Lizard, providing strong evidence that the wildlife surveys O4c-22

Response to Comment O4c-20

Refer to Response to Comment O4c-2, 5, 6 and 7 regarding Project surveys, including post-drought rare plant surveys conducted during optimal conditions in May and June 2017, which also confirmed the presence of the common species referenced by the commenter.

Response to Comment O4c-21

Refer to Response to Comment O4c-2, 5, 6 and 7 regarding Project surveys, clay soils, and *Brodiaea*.

Response to Comment O4c-22

The Project biologists observed more than the single reptile species referenced by the commenter. In fact, during the April 2017 site visit with the resource agencies, a California striped racer (*Coluber lateralis lateralis*) was observed alongside a side-blotch lizard (*Uta stansburiana*), both of which are common species. Appendix B of Appendix E to the EIR has been updated, as appropriate, with species noted during the 2017 surveys. Regarding sensitive reptile species' potential to occur, significance of impacts, and mitigation, refer to Response to Comment O4c-4.

COMMENTS	RESPONSES

were inadequate to detect various sensitive herptile species that Technology Associates (2009) and Dudek (2011) detected elsewhere in the project vicinity. O4c-22

- During a brief site walk in May 2017, I observed one special-status species in the site's grasslands, Blainville's Horned Lizard, that project biologists did not detect anywhere on the site (see Exhibit 5 on Page 11 of this letter). O4c-23
- Failing to mention a large seasonal pond present within 550 feet of the project boundary (see Exhibits 3 and 4 on Page 9 of this letter), and ignoring that both Technology Associates (2009) and Dudek (2011) detected Western Spadefoots in the project vicinity, the DEIR asserts that this grassland-associated toad has "low" potential to occur in the site's grasslands. O4c-24
- Finally, Pages 2.3-13 and 2.3-14 of the DEIR list "20 additional special status animal species considered to have a high potential to occur in the study area" that were not observed during project surveys: coast horned lizard (*Phrynosoma blainvillii*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), Coronado skink (*Plestiodon skiltonianus interparietalis*), red diamond rattlesnake (*Crotalus ruber*), orange-throated whiptail (*Aspidoscelis hyperythra*), California horned lark (*Eremophila alpestris actis*), Cooper's hawk (*Accipiter cooperi*), ferruginous hawk (*Buteo regalis*), grasshopper sparrow (*Ammodramus savannarum*), loggerhead shrike (*Lanius ludovicianus*), prairie falcon (*Falco mexicanus*), red-shouldered hawk (*Buteo lineatus*), sharp-shinned hawk (*Accipiter striatus*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Dulzura California pocket mouse (*Chaetodipus californicus femoralis*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego desert woodrat (*Neotoma lepida intermedia*), and southern mule deer (*Odocoileus hemionus fuliginata*)." Several of these special-status wildlife species are grassland-obligates, and others regularly utilize grasslands. O4c-25

These facts contradict the DEIR's assertion that "the grassland located within PAMA on the site is not occupied by sensitive species" and "does not support critical populations of species or provide an abundance of food, shelter, or other biological resources, as evidenced by the results of the biological surveys." A valid CEQA impact analysis must be based upon objective and credible evaluation of the best available scientific information, and in this case the analysis either contradicts the available information, or represents assertions not supported by adequate survey information. Thus, the DEIR's analysis of the project's potential effects upon grasslands and associated species does not satisfy the requirements of CEQA and its Guidelines. Additional field work and revised analyses are required to remedy this serious flaw in the CEQA documentation. O4c-26

Mitigation for Impacts to Grasslands

Mitigation Measure M-BI-2b identifies that grassland impacts shall be mitigated at a ratio of 0.5 to 1 ratio. This low ratio is based on the DEIR's false assertion that the grass- O4c-27

Response to Comment O4c-23

Refer to Response to Comment O4c-4 regarding this and other non-listed species with potential to occur.

Response to Comment O4c-24

Refer to Response to Comment O4c-4 and 14 regarding this non-listed species.

Response to Comment O4c-25

Refer to Response to Comment O4c-4 regarding impacts and mitigation for non-listed species with potential to occur. The commenter does not specifically identify the several special-status wildlife species alleged as grassland-obligates or that regularly utilize grasslands. The County does not agree with the statement concerning grassland-obligate species. None of the special-status wildlife species mentioned by the commenter are grassland-obligates; that is, none are obligated and restricted to occurring in grassland habitats only. These species occur in varying habitats. As correctly cited by the commenter, the species are considered to have a high potential to occur in the *study area*, not exclusively within the non-native grassland.

Response to Comment O4c-26

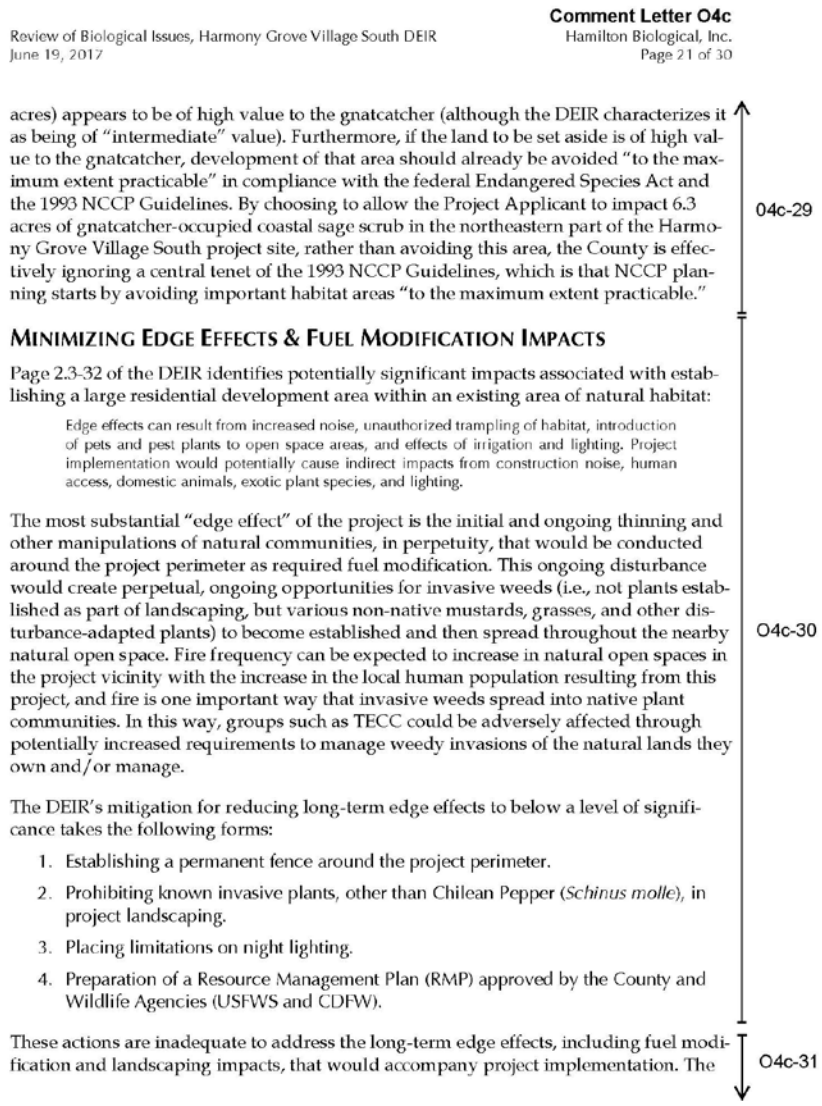
Based on the Project surveys, which included 34 surveys and other non-specific site visits, no sensitive species were observed or detected within the non-native grasslands on the site; therefore, it is accurate to state in the EIR that the grassland is not occupied by sensitive species. The commenter reports on the recent, May 2017 discovery of a horned lizard carcass on a dirt road adjacent to non-native grassland on the Project site. The presence of a dead individual on a dirt road adjacent to the non-native grasslands is not evidence that the habitat was occupied by the species. Further, the surveys and site visits confirmed that the non-native grasslands do not support critical populations of species. None of the findings suggest that the sensitive species observed during surveys or that were determined to have a high potential to occur represent critical populations dependent upon the on-site non-native grasslands for their long-term survival. None of the findings suggest that the non-native grasslands are abundant in food and shelter for wildlife species.

COMMENTS	RESPONSES
	The commenter further alleges that the analysis of the Project's potential effects on grasslands and associated species does not satisfy the requirements of CEQA and its Guidelines. The County does not agree with this contention. The analysis was prepared in accordance with the County's guidelines and determined acceptable to the County and resource agencies after several review iterations. **Response to Comment O4c-27** Refer to Response to Comment O4c-25 and 26 regarding grasslands. The mitigation ratio of 0.5:1 is consistent with the County's guidelines and determined acceptable to the County and resource agencies.

COMMENTS	RESPONSES
  land located within Pre-approved Mitigation Area (PAMA) on the site is not occupied by sensitive species. Given that the site's grasslands are known or expected to provide habitat for numerous special-status species, the required mitigation ratio should be at least 1:1. O4c-27 **Project Effects on the California Gnatcatcher** Page 96 states: > One of the key targets for the Draft North County Plan and preserve assemblage for PAMA is [California] gnatcatcher. The Project site supports Diegan coastal sage scrub of both Low and Intermediate Value within PAMA; however, the site is not vital to support a viable population of gnatcatchers in perpetuity, considering only a single breeding pair was found on site. It should be also be [*sic*] acknowledged that the Draft MSCP North County Plan California Gnatcatcher Habitat Evaluation Model ranks the site as having no value to the species for nesting (County 2008b). For reasons discussed on Pages 13-16 of this letter, coastal sage scrub on the northeastern side of the project site should be recognized as being of high value for the California Gnatcatcher. The fact that two gnatcatcher territories were documented in this habitat as of May 2017, after a five-year drought, is evidence contradicting the DEIR's unfounded assertion that "the site is not vital to support a viable population of gnatcatchers in perpetuity." O4c-28 As discussed in the next section, it appears that project implementation, even with proposed mitigation, would result in net loss of several acres of coastal sage scrub habitat. This would represent a residual impact to this federally listed species and its required habitat that should be identified as significant after mitigation. **CUMULATIVE IMPACT ANALYSIS/CONSISTENCY WITH NCCP GUIDELINES AND DRAFT NORTH COUNTY PLAN** Under NCCP guidelines, the concept of mitigating for the cumulative impacts of numerous projects – which may have only small impacts individually but large impacts when considered together – is through large-scale planning that involves avoidance of sensitive resources to the maximum extent practicable, preservation of high-value habitat in configurations likely to maintain habitat values over the long term, targeted restoration, and long-term adaptive management of preserved areas. O4c-29 Page 97 of the biological technical appendix states: > Section 4.3 of the NCCP Guidelines (CDFW 1993a) states, in part: "Project design must be consistent with the Conservation Guidelines and with any guidelines adopted by the subregion and concurred with by the CDFG and USFWS and must, to the maximum extent practicable, minimize habitat loss." **The project design does not minimize habitat loss to the maximum extent practicable.** However, impacts are allowable according to the Southern California Coastal Sage Scrub NCCP Conservation Guidelines (CDFW 1993b), Southern California Coastal Sage Scrub NCCP Process Guidelines . . . [emphasis added]	**Response to Comment O4c-28** Refer to Response to Comment O4c-16 regarding CSS value. The commenter alleges that the observation of two male CAGN during a single, non-USFWS-protocol site visit translates into two CAGN territories on the site. Although there is potentially enough CSS and coastal sage-chaparral on the site to support two CAGN breeding territories, the observation of two CAGN males during a brief non-protocol site visit does not change the significance of the impacts or mitigation required for the Project. The commenter again misconstrues the impact significance threshold for the species. Even if two CAGN breeding territories had been confirmed on the site, which was not the case, the site would not be vital to support a viable *population* of CAGN in perpetuity. As addressed in the EIR, the site is not located within a CAGN core area, but is located in the vicinity of preserve lands supporting viable populations of CAGN, such as the areas further to the west near the Escondido Creek and Rancho La Costa Preserves, and the areas surrounding Lake Hodges located further to the southeast. The CSS and low numbers of CAGN on site are not vital to support this or other core populations in the area. As analyzed in Section 2.3.2.1 of the EIR, of the 10.4 acres of coastal sage scrub that would be impacted by the Project, approximately 4.1 acres (39 percent) are considered Low Value habitat. These are made of up of the smaller, fragmented patches in the southern and western portions of the Project impact area where CAGN were not detected during surveys, but which could be used for foraging, migration and dispersal. The remaining 6.3 acres of Intermediate Value coastal sage scrub in the eastern portion of the site was confirmed to be used for breeding by a single pair of CAGN and facilitates dispersal and movement functions for the species. Altogether, the impacted sage scrub on site has a limited carrying capacity and ceiling for breeding CAGN. Impacts to Low and Intermediate Value stands on site are considered significant, but would not reduce the likelihood of survival and recovery of CAGN, and would be reduced to less than significant with the implementation of mitigation measures M-BI-1b, M-BI-4, M-BI-5b, and M-BI-5c.

COMMENTS	RESPONSES
  The NCCP Guidelines state, without caveats, that project design "must, to the maximum extent practicable, minimize habitat loss," yet the DEIR acknowledges that the design of the Harmony Grove Village South "does not minimize habitat loss to the maximum extent practicable." This should be the end of the analysis. The plain wording of the quoted passage makes it clear that project proponents and public agencies cannot simply choose to impact coastal sage scrub that supports targeted sensitive resources, such as California Gnatcatchers, in order to maximize the profitability of their development plans, so long as some form of mitigation is provided. Tthe DEIR should identify an alternative project design that does comply with the NCCP Guidelines by avoiding gnatcatcher-occupied coastal sage scrub "to the maximum extent practicable." Page 99 of the biological technical appendix states: > The loss of 10.4 acres of coastal sage scrub on site would be mitigated at a 2:1 ratio in accordance with Section 4.3 of the NCCP Guidelines and offset by preserving additional habitat in the region . . . The project as a whole will therefore result in a net increase of 18.5 acres or 70 percent of coastal sage scrub preservation compared to the 10.9 acres that currently exist on site, portions of which are fragmented and of Low Value. Reading through the proposed mitigation, it appears that only 1.8 acres of temporary impact areas would be restored with coastal sage scrub, which would represent one or more small fragment(s) of restored habitat along the edge of development in place of a much larger area of intact, gnatcatcher-occupied habitat set within natural open space. This is not effective on-site mitigation. The restoration of temporary impact areas should be conducted as mitigation for the temporary impact, and not as mitigation for the permanent loss of 10.4 acres of coastal sage scrub. Mitigation through 2:1 *preservation* of existing coastal sage scrub habitat effectively allows the Project Applicant to destroy habitat occupied by a federally listed species by paying someone else to not do the same. The proposed location of the habitat to be preserved is not specified in the DEIR. The on-the-ground effect of the proposed actions would be the net loss of 8.6 acres of coastal sage scrub, including 6.3 acres of scrub known to be occupied by the federally threatened California Gnatcatcher, and assumed to be occupied by numerous other special-status species. Such an approach, in which a project proponent *chooses not to avoid coastal sage scrub to the maximum extent practicable,* and then mitigates mainly through preserving scrub that already exists, is inconsistent with the NCCP Guidelines that the DEIR is relying upon as the basis for determining that project implementation would not result in any significant impacts to biological resources. In fact, project implementation would result in a net loss of 8.6 acres of coastal sage scrub, and associated sensitive plant and wildlife resources, compared with what currently exists. The rationale for allowing the set-aside of 18.5 acres of existing habitat in exchange for grading of 10.9 acres of habitat is that sites with higher long-term conservation value would be set aside in exchange for allowing the loss of areas said to have lower long-term value. As discussed previously, however, most of the scrub on the project site (6.3 O4c-29	**Response to Comment O4c-29** The County agrees with the first paragraph of the comment regarding the value of large-scale planning, and preservation of large blocks of functional habitat. Similarly, the cited text is accurate. The County disagrees, however, with the assertion that the analysis ends with a finding that the site does not minimize habitat loss to the maximum extent practicable. The commenter is referred to Section 2.3.2.5 of the EIR, Appendix E to the EIR, and the draft HLP findings. As stated, impacts are allowable according to the Southern California Coastal Sage Scrub NCCP Conservation Guidelines (CDFW 1993b), which establish the criteria for determining a site's potential value for conservation. According to the NCCP Logic Flow Chart, the quality of habitat supported on the Project site is defined as being "Low Value" and "Intermediate Value." Please refer to responses O4c-16 and O4c-28. According to the Conservation Guidelines, sites of Low and Intermediate Value can be impacted on a case by case basis with appropriate mitigation. The Project proposes appropriate mitigation for impacts to CAGN and CSS in mitigation measures M-BI-1b, M-BI-4, M-BI-5b, and M-BI-5c. The accuracy of Project Findings on this topic are within the purview of the County, the CEQA lead agency, as well as the wildlife resource agencies. Relative to identification of an alternative project design that additionally avoids CAGN habitat, the EIR does just that in Chapter 4.0, as part of the Biologically Superior Alternative. The impact boundaries shown for that alternative were developed based on agency input during field review, and is the alternative recommended for approval by the USFWS and CDFW in Letter F1. The commenter's assessment of the impacts and mitigation requirements for the Project are incorrect. Please refer to Response to Comment O4c-16 and O4c-28 regarding habitat value of the CSS to be impacted. The CAGN breeding territory would be impacted by the Project's brush management and specifically the outer thinned native zone, retaining some habitat function. The on-the-ground effect of the proposed actions, however, would not be the net loss of 8.6 acres of CSS and it is unclear how the commenter arrived at this number. A total of 10.4 acres would be impacted on site, of which, 1.8

COMMENTS	RESPONSES
	would be restored on site, resulting in an on-site loss of 8.6 acres of CSS. However, this is not a net loss of 8.6 acres of CSS as the Project would preserve an additional 18.5 acres of CSS off site, resulting in a net gain of 9.9 acres of preserved CSS. Regardless, a total of 20.8 acres of CSS will ultimately be preserved by the Project. 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. The mitigation measure (M-BI-1b) specified in the EIR provides specific criteria for where this mitigation must occur and would require County and wildlife agency approval to deviate from those criteria. Regarding specific identification of parcels as this time, 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 such sensitive information as parcel location address and landowner contact information, for example. The final HLP will identify such parcel(s) and a Resource Management Plan also will be completed, consistent with this comment and as previously planned. If the Project is approved and off-site mitigation is implemented, the impacts to CSS, both permanent and temporary, including impacts to low value unoccupied CSS and coastal sage-chaparral transition habitat, will be compensated at a superior, 2:1 ratio with intermediate and high value habitat occupied by CAGN. As addressed in the EIR, this ratio is superior considering the habitat value, as determined using the NCCP flow chart and guidelines. The commenter is discounting the additional components of the on- and off-site mitigation involving preservation of land, which include recordation of a Biological Open Space (BOS) easement; preparation and implementation of an Resource Management Plan (RMP) to address long-term monitoring, maintenance, management, and reporting directives; and preserve stewardship by a qualified conservation entity, in perpetuity.

COMMENTS	RESPONSES
	**Response to Comment O4c-30** Potential edge effects have been fully discussed in Subchapter 2.3 under the headings "Core Wildlife Area (Guideline 7)," "Indirect Impacts/Edge Effects (Guideline 8)," Wildlife Access (Guideline 19)," "Local and Regional Wildlife Corridors and Linkages (Guideline 20)," and "Cumulative Impacts to Wildlife Movement and Nursery Sites." Guideline 8 discussion in particular specifically addresses increased human activity, domesticated animal effects, introduction of invasive non-native plant species, and night-lighting. The conclusion was that Project-related long-term impacts to sensitive species from indirect edge effects would be less than significant. The rationale for this conclusion is that the Project BOS will be actively managed in perpetuity by a qualified preserve manager and accordance with an RMP that includes management directives for indirect effects and that must be reviewed and approved by the County and Wildlife Agencies. In addition, "Required installation of fencing and signage around the BOS, dedication of a BOS easement, protection of the BOS by a limited building zone easement, and implementation of the RMP for the Proposed Project, would further minimize potential edge effects over the long-term." All of these considerations, combined with the fact that the BOS is largely up slope of Project development areas, and that irrigation would not drain off-site into native habitats, native plant species are incorporated into the Project landscaping, and thinned brush management zone areas would retain some functionality in interface areas, results in no significant impact being identified. The comment does not provide any justification for stating that the Project actions would be inadequate to address long-term effects, and it would be speculative to guess at the rationale. No additional response is required. **Response to Comment O4c-31** Each of the following recommended actions regarding edge effects is individually addressed in Response to Comment O4c-32 through 35.

following discussions identify additional feasible actions that would contribute toward avoiding and minimizing the project's potentially significant edge effects. O4c-31

Locally Native Exterior Fuel Modification Plantings

The County's Brush Management Guidelines[6] state:

> Zone 2 can be implemented in a variety of ways, the simplest being the selective thinning and pruning of the native plants. Long-term ongoing thinning cost may be reduced by the introduction of low-growing fire retardant shrubs and groundcovers that are visually and horticulturally compatible with the native vegetation. Zone 2 plants can also be established in disturbed areas that have been cleared of native vegetation by replanting appropriate native plant species in combination with appropriate non-native plant materials.

To mitigate the project's significant impacts to native plant communities and numerous associated special-status species, the project's exterior fuel modification zones should employ exclusively native plant species approved for use in fuel modification zones. Extensive plantings of native cacti, for example, would be appropriate in the fuel modification zones. Upon establishment, dense plantings of cacti would not require ongoing thinning to maintain fire safety. This would minimize ongoing disturbance of the exterior slopes, and therefore reduce the potential for exotic weeds to become established on the site and then spread to nearby natural open space areas. Other native plants expressly allowed in fuel modification zones in San Diego County, and that would be appropriate for this site, include the following: O4c-32

- Eriophyllum confertiflorum – Golden Yarrow
- Heteromeles arbutifolia – Toyon
- Peritoma arborea – Bladderpod
- Acmispon glaber – Deerweed
- Mimulus aurantiacus var. puniceus – Red Bush Monkeyflower
- Rhus integrifolia – Lemonade Berry
- Stipa pulchra – Purple Needlegrass

Page 99 of the biological technical appendix states:

> The Project would further utilize native scrub species in the landscape palette to the extent allowed to meet fire and landscape requirements, thereby replacing some additional functionality on site and minimizing the impact.

"The extent allowed to meet fire and landscape requirements" is 100% locally native plants. Therefore, "minimizing the impact" to the extent allowed would require the ex-

[6] https://www.sandiego.gov/sites/default/files/legacy/planning/community/profiles/blackmtnranch/pdf/appendixb.pdf

Response to Comment O4c-32

The County concurs. As stated in Appendix E of the EIR and referenced by the commenter, the Project would utilize native scrub species to the extent allowed. The species referenced by the commenter are noted.

COMMENTS	RESPONSES
  clusive use of locally native plants in exterior landscaping, including fuel modification zones. Strict use of appropriate, locally native plants in fuel modification plantings that abut natural communities (a) provides useful habitat for native insects, reptiles, birds, and mammals; (b) reduces the project's impacts to wildlife movement; (c) minimizes the need to conduct ongoing weeding, thinning, and irrigation; and (d) reduces the potential for invasive weeds to become established on exterior slopes that would then spread to nearby preserved natural open space areas. O4c-32 ***Prohibition of Known Invasive Plants in All Landscaping*** The potential adverse effects associated with exotic/non-native vegetation is not limited to plants the Project Applicant initially installs on exterior slopes. Plants that escape from interior graded areas into natural areas (via airborne seeds, or via seeds/fruit ingested by birds or other wildlife) can be just as damaging as plants that spread from exterior slopes. Similarly, landscaping installed by individual homeowners can be just as damaging as that installed as initial project landscaping. In 2005, representatives from the horticulture industry, environmental groups, scientists, and government agencies formed an advisory committee known as California Horticultural Invasives Prevention (Cal-HIP). Cal-HIP has developed a web-based program, PlantRight, "to stop the sale of horticultural invasive plants in ways that are good for business and the environment." As described on their web page (http://www.plantright.org/impacts): > Invasive species are one of the greatest threats to biodiversity worldwide, second only to habitat destruction. And the economic cost is as significant as the ecological cost: in California, more than $82 million goes to fighting invasive plants every year. A much-cited paper by Cornell researchers estimates the economic impacts of invasive species to be $120 billion a year. If divided equally through the 50 states, the cost to each state averages $2.4 billion annually — and given California's size and resources, the actual impact is likely greater. O4c-33 In recognition of this serious land-management issue, the California Invasive Plant Council (Cal-IPC) has published the *Invasive Plant Checklist for California Landscaping*: http://cal-ipc.org/landscaping/pdf/InvasivePlantChecklistforCaliforniaLandscaping.2016June.pdf Escape of invasive exotic species can result in (a) biological harm to natural communities, and (b) financial harm to groups like The Escondido Creek Conservancy (TECC), since controlling outbreaks of invasive exotic plants in natural preserves can be very costly. To minimize the potential for significant adverse impacts to the environment, and significant adverse financial impacts to land-managing entities, project implementation must involve restrictions upon the use of any and all plants on Cal-IPC's *Checklist of Invasive Plants*, which is provided on the following pages.	**Response to Comment O4c-33** The County concurs. Although the focus of invasives control is on the HOA maintained landscape which is located throughout the Project, and often in proximity to biological open space or approaching Escondido Creek where roadscape is proposed, as noted in the Project Design Features on EIR page 1-52, fuel management, vegetation management and maintenance requirements are proposed for individual property owners through CC&Rs. These requirements would also restrict use of invasives.

COMMENTS	RESPONSES

Checklist of Invasive Plants

			Regions
Acacia dealbata	silver wattle		◆◆ ◆◆
Acacia melanoxylon	blackwood acacia		◆◆ ◆◆
Agrostis stolonifera[T]	creeping bentgrass[T]		◆◆◆◆◆
Ailanthus altissima	tree-of-heaven	X	
Arctotheca calendula	fertile capeweed	X	
Arctotheca prostrate	South African capeweed		◆ ◆◆
Arundo donax	giant reed	X	
Asparagus asparagoides	bridal creeper		◆ ◆◆
Asphodelus fistulosus	onionweed	X	
Atriplex semibaccata	Australian saltbush		◆ ◆◆
Briza maxima	big quakinggrass		◆◆ ◆◆
Carpobrotus chilensis	iceplant		◆◆
Carpobrotus edulis	highway iceplant	X	◆◆
Centaurea debeauxii	meadow knapweed	X	
Chrysanthemum coronarium	garland chrysanthemum		◆◆
Cordyline australis	giant draceaena		◆◆◆◆◆
Cortaderia jubata	jubatagrass	X	◆◆◆◆◆
Cortaderia selloana	pampasgrass	X	◆ ◆◆
Cotoneaster franchetii	cotoneaster		◆◆
Cotoneaster lacteus	Parney's cotoneaster		◆◆
Cotoneaster pannosa	silverleaf cotoneaster		◆◆ ◆◆
Cotula coronopifolia	common brassbuttons		◆◆ ◆◆
Crataegus monogyna	English hawthorn		◆◆ ◆
Crocosmia x crocosmiiflora	montbretia		◆
Cynara cardunculus	artichoke thistle	X	
Cynodon dactylon[T]	Bermuda grass[T]		◆◆◆◆◆
Cynoglossum officinale	beggar's-lice		◆
Cytisus scoparius	Scotch broom	X	
Cytisus striatus	Portuguese broom		◆ ◆◆
Dactylis glomerata[F]	orchard grass[F]		◆◆◆◆◆
Delairea odorata	Cape-ivy	X	
Digitalis purpurea	foxglove		◆◆ ◆◆
Dipsacus fullonum	common teasel		◆◆ ◆◆
Echium candicans	pride-of-Madeira		◆◆
Egeria densa	Brazilian egeria		◆◆ ◆

X - illegal per CDFA regulation
X - on PlantRight's voluntary list

E – edible
F – forage
T – turfgrass

	Region	Sunset Zones
◆	Sierra and Coastal Mountains	1-3
◆	Central Valley	7-9
◆	Desert	10-13
◆	North/Central Coast and Delta	14-17
◆	South Coast	18-24

Prepared by California Invasive Plant Council, www.cal-ipc.org

O4c-33

COMMENTS	RESPONSES

Eichhornia crassipes	water hyacinth	X	
Elaeagnus angustifolia	Russian olive		
Erica lusitanica	Spanish heath		
Erodium cicutarium	filaree		
Eucalyptus camaldulensis	red gum		
Eucalyptus globulus	Tasmanian bluegum		
Euphorbia esula	leafy spurge	X	
Euphorbia oblongata	oblong spurge	X	
Festuca arundinacea[T]	alta fescue[T]		
Ficus carica[E]	edible fig[E]		
Foeniculum vulgare[E]	fennel[E]		
Gazania linearis	gazania		
Genista monspessulana	French broom	X	
Hedera canariensis	Algerian ivy		
Hedera helix	English ivy		
Helichrysum petiolare	licorice plant		
Hirschfeldia incana	Mediterranean mustard		
Holcus lanatus	common velvet grass		
Hypericum canariense	Canary Island St.	X	
Hypericum perforatum	klamathweed	X	
Ilex aquifolium	English holly		
Iris pseudacorus	yellowflag iris	X	
Isatis tinctoria	dyer's woad	X	
Kochia scoparia[F]	kochia[F]		
Leucanthemum vulgare	ox-eye daisy		
Linaria genistifolia ssp. Dalmatica	Dalmatian toadflax	X	
Linaria vulgaris	yellow toadflax		
Lobularia maritime	sweet alyssum		
Lolium multiflorum[F]	Italian ryegrass[F]		
Ludwigia hexapetala	creeping waterprimrose	X	
Ludwigia peploides	creeping waterprimrose		
Lythrum salicaria	purple loosestrife	X	
Marrubium vulgare	horehound		
Mentha pulegium	pennyroyal		
Mesembryanthemum crystallinum	crystalline iceplant		
Myoporum laetum	ngaio tree		
Myosotis latifolia	common forget-me-not		
Myriophyllum aquaticum	parrotfeather		
Nicotiana glauca	tree tobacco		

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Region	Sunset Zones
Sierra and Coastal Mountains	1-3
Central Valley	7-9
Desert	10-13
North/Central Coast and Delta	14-17
South Coast	18-24

Prepared by California Invasive Plant Council, www.cal-ipc.org

04c-33

COMMENTS	RESPONSES

Olea europaea[E]	European olive[E]		
Onopordum acanthium	Scotch thistle	X	
Pennisetum setaceum	green fountain grass	X	
Phalaris aquatic	hardinggrass		
Phoenix canariensis	Canary Island date palm		
Phytolacca Americana	common pokeweed		
Plantago lanceolata	buckhorn plantain		
Poa pratensis[T]	Kentucky bluegrass[T]		
Polygonum cuspidatum	Japanese knotweed	X	
Prunus cerasifera	cherry plum		
Pyracantha angustifolia, P. crenulata, P.	firethorn		
Ranunculus repens	creeping buttercup		
Retama monosperma	bridal veil broom	X	
Ricinus communis	castor bean		
Robinia pseudoacacia	black locust		
Rubus armeniacus	Himalayan blackberry		
Rumex acetosella	sheep sorrel		
Saccharum ravennae	ravennagrass	X	
Salvia aethiopis	Mediterranean sage	X	
Saponaria officinalis	bouncing-bet		
Schinus molle	Peruvian pepper tree		
Schinus terebinthifolius	Brazilian pepper tree		
Sesbania punicea	scarlet wisteria	X	
Silybum marianum	milk thistle		
Spartium junceum	Spanish broom	X	
Stipa tenuissima	Mexican feathergrass	X	
Tamarix parviflora	smallflower tamarisk	X	
Tamarix aphylla	athel		
Tamarix ramosissima, T. gallica, T. chinensis	saltcedar	X	
Tanacetum vulgare	common tansy		
Triadica sebifera	Chinese tallow tree	X	
Verbascum thapsus	wooly mullein		
Vinca major	bigleaf periwinkle	X	
Washingtonia robusta	Mexican fan palm		
Watsonia meriana	watsonia		
Zantedeschia aethiopica	calla lily		

O4c-33

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Region	Sunset Zones
Sierra and Coastal Mountains	1-3
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Prepared by California Invasive Plant Council, www.cal-ipc.org

COMMENTS	RESPONSES

All home-owner plantings should be controlled by Covenants, Codes, and Restrictions (CC&Rs) and monitored by the Home Owner's Association (HOA). The HOA should have the authority and explicit responsibility to prohibit any and all installation of plants on the most current version of Cal-IPC's *Checklist of Invasive Plants*. To help ensure that these restrictions are understood and complied with, the Project Applicant, or agents and assigns, should prepare landscape design ***requirements*** that describe these restrictions, and the reasons for them. These requirements should be provided to all residents and used during the review and approval process for all landscaping plans.

O4c-33

Early Detection-Rapid Response Program in Resource Management Plan

Mitigation Measure M-BI-1a states, in part, that the Project Applicant shall prepare a Resource Management Plan (RMP) to direct the long-term management of the Biological Open Space (BOS) to be preserved as part of the project's mitigation for significant impacts to biological resources.

As discussed previously, the ongoing potential for invasion of BOS by invasive weeds is high. 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. As described at https://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.

O4c-34

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

In order to minimize the potential for project implementation to result in damaging and costly invasions of exotic weeds into nearby preserved natural open spaces, the EIR should specify an early detection-rapid response element within the RMP.

Implementation and Funding of Resource Management Plan

Mitigation Measure M-BI-1a states, in part:

> Prior to issuance of a grading permit, the Project Applicant shall preserve 34.8 acres of on-site BOS determined to support sensitive species and habitat functions and values contiguous with the DDHP to the south through the establishment of a conservation easement and the preparation of a Resource Management Plan (RMP) approved by the County and Wildlife Agencies (USFWS and CDFW) to address long-term monitoring, maintenance, management, and reporting directives, in perpetuity, by a qualified entity approved by the County and Wildlife Agencies.

O4c-35

Response to Comment O4c-34

This comment is noted. The County will consider using an early detection-rapid response element within the RMP. It is expected that monitoring visits and inspections for invasives would be conducted monthly, and at least quarterly, which is in-line with the early detection and rapid response approach.

Response to Comment O4c-35

The EIR is not required to specify the entity required to implement the RMP or the mechanism by which the RMPs implementation would be funded. The implementing entity will be qualified and must be approved by the County and Wildlife Agencies. It is expected that the RMP implementation would be funded through a non-wasting endowment, which is the current standard for funding such programs.

COMMENTS	RESPONSES

Although Mitigation Measures M-BI-5d, M-BI-5f and M-BI-6a confusingly refer to "preparation and implementation" of an RMP, the DEIR does not appear to specify the entity required to implement the RMP, or the mechanism by which the RMP's perpetual implementation would be funded. This point must be clarified.

Simply preparing an RMP and then handing off its implementation and perpetual funding would not contribute meaningfully toward the long-term management of the Biological Open Space proposed as mitigation for the project's significant impacts to biological resources. If the Project Applicant *is* required to fund implementation of the RMP by an approved entity, the EIR must specify the level of funding required to manage the on-site BOS in perpetuity. O4c-35

EVALUATION OF BIOLOGICALLY SUPERIOR PROJECT ALTERNATIVE

Page 4.30 of the DEIR states:

> Based on comments received from CDFW and USFWS, the [biologically superior] alternative was specifically designed to protect a stand of Intermediate Value habitat (sage scrub) in the eastern portion of the site that included one breeding pair of California Gnatcatchers found along the eastern boundary of the site in 2014.

As noted in these comments, it is likely that multiple pairs of California Gnatcatchers are present in the northeastern part of the project site at this time. The DEIR does not explain why it would be infeasible for the "biologically superior alternative" to preserve the entire 6.3 acres of gnatcatcher-occupied scrub, rather than impacting 2.8 acres of that occupied habitat. The DEIR also does not explain why implementation of the biologically superior alternative could not feasibly avoid additional areas of native chaparral vegetation in the southern part of the site that would require extensive grading to develop, and despite the acknowledged "high potential" for more than ***two dozen*** special-status species to occur on the site. For numerous reasons discussed in this letter, the EIR should identify an alternative that more meaningfully avoids impacts to sensitive biological resources. The alternatives analysis fails to meet this standard, and the DEIR does not explain why impacts must necessarily be as extensive as those proposed even under the biologically superior alternative. O4c-36

SUMMARY AND CONCLUSION

As discussed herein, the literature review and baseline biological surveys completed for the Harmony Grove Village South DEIR are inadequate for the purposes of (a) evaluating the potential for numerous rare plant and wildlife species to occur on the project site, and (b) identifying the full range of feasible mitigation measures needed to reduce all potentially significant impacts to below the level of significance. O4c-37

With regard to rare plants, DEIR claims that four CNPS List 1B species, including the federally listed Thread-leaved Brodiaea, have low or no potential to occur on the site, and yet (a) the main floral surveys occurred during a drought period; (b) included no O4c-38

Response to Comment O4c-36

Please refer to Response to Comment O4c-29 regarding the Biologically Superior Alternative, which was developed with input from the Wildlife Agencies. The commenter is missing other key factors driving the footprint of the Biologically Superior Alternative, which are, the facilitation of north-south movement of CAGN and other wildlife species. Although CAGN breeding habitat is an important factor and would be preserved under the Biologically Superior Alternative, additional habitat and topographic high points for CAGN dispersal and migration would be preserved and are stronger drivers for the Biological Superior Alternative. This is addressed in Appendix E to the EIR. The Biologically Superior Alternative would also preserve additional sensitive plant species and result in a larger BOS area. Non-biological factors driving the Biologically Superior Alternative design revolve around road circulation and Village designation density constraints, as explained in Sections S.5.5.1 and 4.6.1 of the EIR. These are all meaningful reasons driving the Biologically Superior Alternative design.

Response to Comment O4c-37

This is a summary conclusion, without specifics. Please refer to the responses above for individual and focused responses.

Response to Comment O4c-38

Please refer to Response to Comment O4c-7 regarding *Brodiaea*, Response to Comment O4c-5 regarding survey windows during May and June in 2017, and Response to Comment O4c-6 regarding clay soils and Canchalagua, respectively.

COMMENTS	RESPONSES

surveys during the May/June period when these plants are most reliably detected; (c) the supplemental surveys in 2017 also failed to include surveys in May/June; (d) the surveys were inadequate to locate even the common Canchalagua wildflower that is known to occur in the site's grasslands; and (e) project biologists assert that no clay soils required by these plants occur on the site, an opinion contradicted by the Geology/Soils section of the DEIR, which identifies two types of clay soils on the site. O4c-38

In characterizing the Western Spadefoot, a California Species of Special Concern, as having "low" potential to aestivate in the site's grasslands, the project biologists ignored multiple recent records of this species from nearby sites (Technology Associates 2009, Dudek 2011) as well as the presence of a large seasonal pond near the project site's grasslands that appears to be highly suitable for breeding by spadefoots. The EIR should identify a potentially significant impact to the Western Spadefoot and devise mitigation that demonstrates a tangible conservation benefit to the spadefoot population within the Escondido Creek watershed, as close to the site of impact as feasible. O4c-39

The wildlife surveys conducted for the DEIR were so cursory and inadequate that only a single common species of reptile was found. Furthermore, the project biologists failed to identify annual grassland as potentially suitable habitat for Blainville's Horned Lizard and various other sensitive wildlife species known to routinely utilize grasslands. O4c-40

Based on the false assertion that "the grassland located within PAMA on the site is not occupied by sensitive species," the DEIR identifies only a 0.5 to 1 mitigation ratio for the project's impacts to grasslands. In recognition of the large number of plant and wildlife species known or expected to occur within the site's annual grasslands, the required mitigation ratio should be at least 1:1. O4c-41

The DEIR's characterization of 6.3 acres of coastal sage scrub in the northeastern portion of the site as being of "intermediate" value to the federally threatened California Gnatcatcher is not based on a thorough, formal evaluation of the function of that area in relationship to the surrounding areas. I documented two adult male California Gnatcatchers in this area during May 2017, and regard the persistence of gnatcatchers in this area at the end of a five-year drought as strong evidence that the habitat is valuable to the local gnatcatcher population. O4c-42

The project DEIR acknowledges that the design of the Harmony Grove Village South project does not satisfy a basic requirement of the NCCP Guidelines, i.e., that project design "must, to the maximum extent practicable, minimize habitat loss." O4c-43

The DEIR fails to identify an alternative project design that minimizes habitat loss in compliance with the NCCP Guidelines. The County should require the Project Applicant to develop a workable alternative that truly minimizes or avoids the loss of gnatcatcher-occupied coastal sage scrub, and other biologically sensitive communities, in compliance with the NCCP Guidelines. O4c-44

Response to Comment O4c-39
Please refer to Response to Comment O4c-13 regarding western spadefoot. As noted, when the impacts would not result in the loss of an on-site population or impact the local long-term survival of the species, they are adequately mitigated through the implementation of habitat-based mitigation. No additional mitigation is required.

Response to Comment O4c-40
Please refer to Response to Comment O4c-14 regarding coast horned lizard.

Response to Comment O4c-41
Refer to Response to Comment O4c-5 regarding rare plant survey timing. The Project grasslands do not contain sensitive or rare plant species. Please also refer to Response to Comment O4c-20 and 26.

Response to Comment O4c-42
Comments noted. The presence of two adult males on site is not at variance with the Project findings. Please refer to Response to Comment O4c-16 and 17 regarding CAGN findings and 2017 conditions, respectively, and O4c-29 regarding habitat value ratings.

Response to Comment O4c-43
Comment noted. As discussed in Response to Comment O4c-29, this statement is consistent with text in the EIR.

Response to Comment O4c-44
The County respectfully disagrees. The Biologically Superior Alternative addressed in Chapter 4.0 provides the maximum practicable minimization of habitat loss.

COMMENTS	RESPONSES

The DEIR is inadequate in failing to identify the location where off-site mitigation for significant impacts to coastal sage scrub and grasslands would take place. O4c-45

The DEIR does not quantify the area of fuel modification that would affect each plant community on the project site, and does not take all feasible steps to minimize fuel modification impacts, landscaping impacts, and other "edge effects." O4c-46

The lack of sensitivity in the proposed design of the Harmony Grove Village South project belies the site's designation as a Pre-Approved Mitigation Area in the draft North County MSCP. An adequate CEQA document for a project in this biologically valuable natural area would (a) incorporate a complete review of the relevant literature; (b) involve thorough and complete baseline biological surveys; (c) include a viable project alternative that avoids areas of the highest biological sensitivity consistent with NCCP Guidelines; and (d) incorporate mitigation measures designed not only to offset the project's impacts to sensitive resources, but also to minimize the potential for the proposed actions to adversely impact nearby natural open space preserves and the organizations, such as TECC, that are charged with ongoing management of those areas. The flaws in this DEIR, described in these comments, are so extensive that they cannot be adequately addressed without conducting additional literature review and field work. Once those tasks are completed adequately, site-appropriate project design and mitigation planning will be required. At that point, a revised DEIR should be recirculated for another round of public review. O4c-47

I appreciate the opportunity to evaluate the CEQA documentation for this important project. Please call me at 562-477-2181 if you have questions or wish to further discuss any matters; you may send e-mail to robb@hamiltonbiological.com. O4c-48

Sincerely,

Robert A. Hamilton, President
Hamilton Biological, Inc.
http://hamiltonbiological.com

attachment: Curriculum Vitae

Response to Comment O4c-45

The County respectfully disagrees. Please refer to Response to Comment O4c-29.

Response to Comment O4c-46

Please refer to Response to Comment O4c-3 regarding the nature of assessed fuel management impacts and its inclusion within permanent, direct impacts. The fuel modification impacts are necessary elements of the Fire Protection Plan, and cannot be further minimized. The Project appropriately addresses potential landscaping and edge effects, as previously addressed in Response to Comment O4c-30 and O4c-33.

Response to Comment O4c-47

The County respectfully disagrees. Please refer to Response to Comment O4c-2 regarding literature review and adequacy of baseline surveys, and Response to Comment O4c-29 regarding the Biologically Superior Alternative. The Project identifies adequate mitigation in accordance with County requirements as well as Draft MSCP North County Plan ratios for mitigation. No comments on mitigation ratios were received from the USFWS or CDFW, both of which consider habitat and species preservation directly under their purview. The Project design specifically incorporates over 34 acres of biological open space to be permanently preserved. This open space would abut DDHP boundaries along the southern and southeastern portions of the Project. This open space set aside would augment, rather than impact, this preserve. Similarly, residential uses are set back from the Project's northern boundary, and both a wetlands buffer as well as a Limited Building Zone buffer combine to set Project uses back from the TECC Escondido Creek easement. The Project also would minimize runoff flow from horse manure north over the Project site to Escondido Creek as all Project area flows would be trapped and treated prior to release into storm drains. Similarly, this would benefit the creek and the TECC property. Please also refer to Response to Comment O4c-12 regarding benefits of the proposed bridge to Escondido Creek.

COMMENTS	RESPONSES
	The County respectfully disagrees that additional literature review and field work is necessary and that additional Project design or mitigation planning is required beyond the substantial efforts already completed. As a result, no recirculation is required. **Response to Comment O4c-48** This is a closing statement and is not at variance with information in the EIR.

COMMENTS	RESPONSES
Comment Letter O4c **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. O4c-49	**Response to Comment O4c-49** This attachment is the resume for the author of Response to Comment Letter O4-c. It is not further addressed.

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.

O4c-49

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

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 Marías 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 Ñambí 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).

O4c-49

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.

COMMENTS	RESPONSES
  Contact Information Robert A. Hamilton President, Hamilton Biological, Inc. 316 Monrovia Avenue Long Beach, CA 90803 562-477-2181 (office, mobile) robb@hamiltonbiological.com http://hamiltonbiological.com **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) • Davidon/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) O4c-49	

COMMENTS	RESPONSES
  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 10th 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 Marías 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. O4c-49	

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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.

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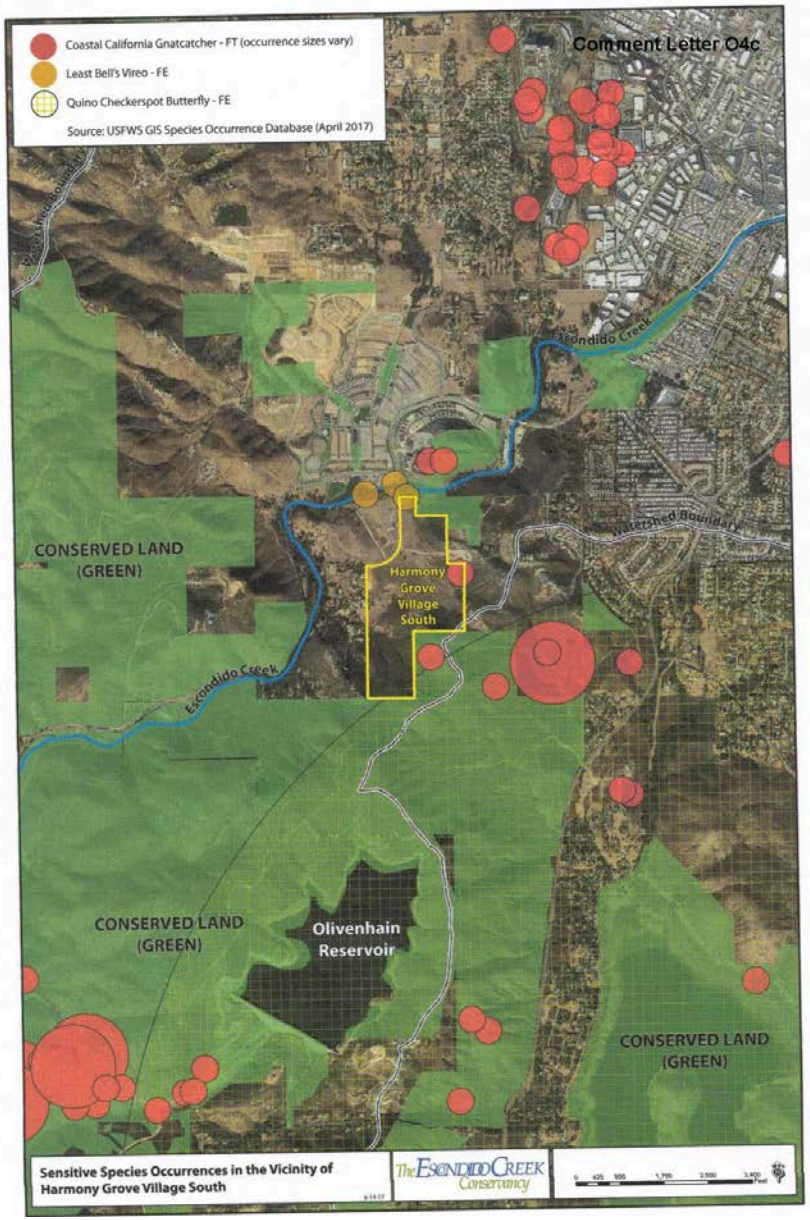
COMMENTS	RESPONSES
	

COMMENTS	RESPONSES
Comment Letter O4c **Metadata** Map Title: Sensitive Species Occurrences in the Vicinity of Harmony Grove Village South Date: June 14, 2017 Created by: The Escondido Creek Conservancy Projection: State Plane NAD83, Zone 11, feet GIS Software: ArcGIS 10.2 GIS Coverages: United States Fish and Wildlife Service Species Occurrence Database (April 2017) SANDAG North County Parcel Database SANDAG Conserved Lands Database SANDAG Stream Database SANDAG Watershed Database Google Earth Pro 2016 Aerial Photograph Narrative: The attached map was created to illustrate the relationship of the proposed Harmony Grove Village South project site in relationship to the Escondido Creek watershed and natural resources documented in the region of the property. Specifically, the map was created by downloading the above referenced GIS coverages into ArcGIS to allow for visual representation. As noted on the map, all conserved lands are represented as green shading and include all lands that are legally converted to: Protect natural habitats, species, and open space; Contribute to the existing and planned regional habitat preserve system; and managed to protect the open space or natural resources into the future. The USFWS species occurrences shown on the map represent the results of all current and historic records of federally threatened (FT) and endangered (FE) species survey results submitted to the federal government by biologist permitted to conduct studies for listed species. The USFWS updates the database bi-annually and posts the GIS onsite for public access (https://www.fws.gov/carlsbad/GIS/CFWOGIS.html).	