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September 25, 2015

Mr. Peter Eichar  
County of San Diego, Planning & Development Services  
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San Diego, CA 92123-1239  
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**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for Harmony Grove Village South General Plan Amendment, Specific Plan, Rezone, Tentative Map and Major Use Permit (PDS2015-GPA-15-002, PDS2015-SP-15-002, PDS-REZ-15-003, PDS2015-TM-5600, PDS2015-MUP-15-008, Environmental Log No.: PDS2015-ER-15-08-006, County of San Diego, California (SCH#2015081071)**

Dear Mr. Eichar:

The California Department of Fish and Wildlife (Department or "CDFW") has reviewed the above-referenced Notice of Preparation (NOP) for a draft Environmental Impact Report (DEIR) for the Harmony Grove Village South Project (SCH#2015081071) (Project) dated August 27, 2015. Comments on the NOP were requested by September 28, 2015. The comments provided herein are based upon information provided in the NOP and CEQA Initial Study (Environmental Checklist Form) for the DEIR (County of San Diego 2015a) and associated reference materials [including the Helix 2014 biological survey information (Helix 2015)], our knowledge of sensitive and declining vegetation communities, and ongoing regional habitat conservation planning in the County of San Diego (County). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State of California's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA, Fish and Game Code §2050 *et seq.*) and other sections of the Fish and Game Code. The Department is also responsible for the administration of the Lake and Stream Alteration Agreement Program (Fish and Game Code §1600 *et seq.*) and the Natural Community Conservation Planning (NCCP) program (Fish and Game Code §2800 *et seq.*). The County is a participant in the NCCP program. Currently, the County has an adopted South County Multiple-Species Conservation Program (MSCP), and is actively pursuing its draft North County MSCP (NC-MSCP). The NC-MSCP is a comprehensive habitat conservation planning program that attempts to preserve native habitats for a multitude of sensitive species for which the County, Fish and Wildlife Service, and California Department of Fish and Wildlife entered into a Planning Agreement (County of San Diego 2014a). As noted in the County's EIR scoping letter, one of the primary goals of the NC-MSCP is to conserve 75 percent of natural lands in the Pre-Approved Mitigation Area (PAMA), which includes currently preserved public lands, future public acquisitions and future privately owned preserve lands (County of San Diego 2015b).

The Project proposes development of 453 single- and multi-family residential units and a 5,000 square foot commercial/recreation facility on 111 acres (APNs 235-011-06, 238-021-09, 238-



021-08, 238-021-10); approximately 36 acres would be primarily residential development and 75 acres undeveloped/open space uses, including existing and planned trail facilities. Access would be provided by private roads connecting to Country Club Drive and would include replacing the existing "Arizona" crossing of Escondido Creek with a three-span bridge (250 feet long and approximately 60 feet wide) that would accommodate three lanes, a multi-use trail and sidewalks and a wildlife crossing. The Project includes an on-site water treatment/water reclamation facility (WTWRF), and water utilities (both potable and reclaimed water) would be provided by Rincon del Diablo Municipal Water District (Rincon MWD). The Project would require earthwork consisting of balanced cut and fill of approximately 850,000 cubic yards of material and would be implemented in phases consisting of overall on-site mass grading and existing bridge demolition/construction (first phase), on-site and off-site infrastructure installation (second phase), finish grading lots (third phase), and then "vertical" development of the project (final phase). Project approvals would include a local General Plan Amendment, RPO (steep-slopes) waiver, specific plan, rezone, major use permit, tentative map and site plan. Other public agency approvals required include a Habitat Loss Permit (HLP) from County of San Diego and Section 7 or 10(a) from U.S. Fish and Wildlife Service, and 1602 Streambed Alteration Agreement from CDFW (County of San Diego 2015a).

The 111-acre Project site is located in Harmony Grove Valley, within the San Dieguito Community Planning Area of the County's North County Metropolitan Subregional Plan area, and is located in a semi-rural area that is mostly surrounded by hills and canyons that range from approximately 600 feet to 1,736 feet above mean sea level. Existing residences and a fire station are located immediately to the northeast of the Project site, and the County-approved Harmony Grove Village (HGV) is located immediately to the northwest. The County's Del Dios Highlands Preserve (DDHP) and Escondido Creek Preserve, and Olivenhain Municipal Water District's Elfin Forest Recreational Reserve (EFRR) are located to the south and southeast of the Project site, and existing conserved lands owned by the Escondido Creek Conservancy are located immediately adjacent and to the north. The Project site is also located within Planning Unit 9 (San Marcos-Merriam Mountains Core Area) of the draft NC-MSCP planning area, within the draft PAMA, and is part of one of the few remaining larger blocks of natural habitat west of Interstate 15 in the PAMA in the vicinity of core area. The habitat evaluation mapping for the County's draft NC-MSCP plan indicates that habitats on and adjacent to the project site are "moderate", "high", and "very high" habitat quality, and areas to the immediate north, south, east, and west are also identified as conserved lands and/or PAMA (County of San Diego 2014b). Vegetation on the project site consists of Diegan coastal sage scrub, coastal sage-chaparral transition, granitic southern mixed chaparral, mafic southern mixed chaparral, coast live oak woodland, non-native grassland, drainages (ephemeral streambed) that are tributaries to Escondido Creek, and southern (willow) riparian forest and mule fat scrub within Escondido Creek. Species known to use habitats on or immediately adjacent to the Project site include the federally threatened coastal California gnatcatcher (*Poliioptila californica californica*) and state and federally endangered least Bell's vireo (*Vireo bellii pusillus*) (Helix 2015).

The Department offers the comments and recommendations in the enclosure to assist in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with ongoing regional habitat conservation planning efforts (i.e. that it would not preclude the preserve assembly or prevent the achievement of the biological goals anticipated under the NC-MSCP Subregional Plan). Our main recommendation is that the proposed Project design/footprint be consistent with the NC-MSCP goals, which call for 75 percent conservation of lands designated as PAMA, minimizing impacts to coastal sage

scrub, and maintaining a viable connection for wildlife movement along the northern and eastern portions of the property. The Project currently proposes only 32 percent conservation of PAMA lands, does not provide sufficient on-site conservation to ensure north-south connectivity, and would result in substantial impacts to coastal sage scrub habitat occupied by the California gnatcatcher.

We appreciate the opportunity to comment on this NOP and look forward to further coordination with the County on this Project. If you have questions regarding our letter, please contact Randy Rodriguez at (858) 637-7111 or [Randy.Rodriguez@wildlife.ca.gov](mailto:Randy.Rodriguez@wildlife.ca.gov).

Sincerely,



Gail K. Sevens  
Environmental Program Manager  
South Coast Region

Enclosure: (9 pages)

cc: State Clearinghouse, Sacramento  
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## ENCLOSURE

### California Department of Fish and Wildlife Comments and Recommendations: NOP for the Harmony Grove South Project DEIR (SCH#2015081071)

#### NOP Comments

1. To enable the Department to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, wildlife, and other biological resources, we recommend the following information be included in the DEIR:
  - A. A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas.
  - B. Analyses of a range of feasible alternatives to ensure that alternatives to the proposed Project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise minimize impacts to sensitive biological resources, particularly wetlands. Specific alternative locations should be evaluated in areas with lower resource sensitivity, where appropriate. As noted in the County's EIR scoping letter, the Project site is located within the draft North County MSCP and is located within an area designated as the Pre-Approved Mitigation Area (PAMA). A goal of the North County Plan is to conserve 75 percent of natural lands in the PAMA, which includes currently preserved public lands, future public acquisitions and future privately owned preserve lands (County of San Diego 2015b). Currently, the Project proposes 75.9-acres (68 percent) that would be considered impacted and approximately 35-acres (32 percent) as biological open space, with substantial impacts to coastal sage scrub occupied by the California gnatcatcher (Helix 2015). The Department recommends that the proposed Project be designed to be consistent with the draft NC-MSCP in terms of conservation goals for the PAMA (i.e., 75 percent conservation of lands designated as PAMA), and provide a viable connection (consistent with accepted regional standards) along the northern and eastern portions of the property to maximize the conservation of coastal sage scrub and to provide sufficient north-south habitat connectivity from the large core area of upland habitat around Lake Hodges and Del Dios Highlands to the south, continuing through the Project site to Escondido Creek and conserved lands and PAMA located north of the Project site (e.g., conserved lands owned/managed by the Escondido Creek Conservancy and conserved lands on the approved Harmony Grove Project).

We recommend that the draft EIR include an alternative that is consistent with the draft NC-MSCP conservation goals for the PAMA (i.e., 75 percent conservation of lands designated as PAMA). Such a DEIR alternative would substantially minimize project impacts to the draft PAMA and occupied coastal sage scrub, provide for a large, contiguous block of open space in the eastern and northern portion of the property, minimize edge effects to onsite biological open space areas, and maintain connectivity between on- and off-site conserved lands and areas designated as draft PAMA within Planning Unit 9. From a cumulative perspective, we are concerned that the proposed Project, in conjunction with other approved and/or currently proposed projects (e.g., Harmony Grove, Valiano) and extent of private holdings to the immediate east and west of the Project would increase fragmentation of natural habitat, including, but not limited to coastal sage scrub, within Planning Unit 9 of the NC-MSCP.



C. A complete assessment of the flora and fauna within and adjacent to the project area; specifically, the DEIR should include:

- a) Discussions regarding the regional setting, pursuant to CEQA Guidelines, section 15125(c), with special emphasis on resources that are rare or unique to the region that would be affected by the Project. This discussion is critical to an assessment of environmental impacts.
- b) A current inventory of the biological resources (to include rare, threatened, and endangered, and other sensitive species) associated with each habitat type on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive plant, fish, wildlife, reptile, and amphibian species. The Department's California Natural Diversity Data Base in Sacramento should be contacted at [www.wildlife.ca.gov/biogeodata/](http://www.wildlife.ca.gov/biogeodata/) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
- c) Discussions regarding seasonal variations in use of the project area and vicinity by sensitive species, and acceptable species-specific survey procedures as determined through consultation with the Department. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

D. A thorough discussion of direct, indirect, and cumulative Project-related impacts expected to adversely affect biological resources. All facets of the Project should be included in this assessment. Specifically, the DEIR should include:

- a) Specific acreages and descriptions of the types of wetlands, coastal sage scrub, and other habitats that would potentially be affected by the proposed Project or project alternatives. Maps and tables should be used to summarize such information.
- b) Detailed discussions, including both qualitative and quantitative analyses, of potential direct effects on listed and other sensitive species (fish, wildlife, plants) and their habitats within the area of impact of the proposed and alternative projects.
- c) Discussions regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP).
- d) Impacts to wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated.
- e) Discussions of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: Project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the Project site.
- f) If applicable, a discussion of the effects of any Project-related dewatering or ground water extraction activities to the water table and the potential resulting impacts on the wetland/riparian habitat, if any, supported by the surface and groundwater.
- g) Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development Project and natural habitats.
- h) A cumulative effects analysis as described under CEQA Guidelines, section 15130, assessing the impacts of the proposed Project in conjunction with past, present, and anticipated future projects, relative to their impacts on native plant communities and wildlife.



E. A thorough discussion of mitigation measures for adverse Project-related impacts on sensitive plants, animals, and habitats. Specifically, the DEIR should include/address:

- a) Measures to fully avoid and otherwise protect Rare Natural Communities from Project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- b) Where avoidance is infeasible, mitigation measures that emphasize minimization of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable (e.g., it would not adequately mitigate the loss of biological functions and values), off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. The Department generally does not encourage the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown these efforts are experimental in nature and do not provide for the long-term viability of the target species.
- c) Mitigation measures to alleviate indirect Project-related impacts on biological resources, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.
- d) Where proposed grading or clearing is within 100 feet of proposed biological open space, or otherwise preserved sensitive habitats, a requirement for temporary fencing. Fencing should be placed on the impact side and should result in no vegetation loss within open space. All temporary fencing should be removed only after the conclusion of all grading, clearing, and construction activities.
- e) A requirement that a qualified biological monitor to be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor should have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions not in compliance with the permits and construction documents should be immediately brought to the attention of the Lead Agency and the Department.
- f) Measures to protect, in perpetuity, the targeted habitat values of proposed preservation and/or restoration areas from direct and indirect negative impacts. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Permanent fencing should be installed between the impact area and biological open space and be designed to minimize intrusion into the sensitive habitats from humans and domestic animals. There should be no gates that would allow access between the development and biological open space. Additional issues that should be addressed include proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, etc.
- g) Development and implementation of a management and monitoring plan (MMP), including a funding commitment, for any on- and/or off-site biological open space easements, if applicable. An appropriate natural lands management organization, subject to approval by the County and Department, should be identified. The MMP should outline biological resources on the site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts. A Property Analysis Record (PAR) or comparable method should be completed to determine the amount of funding needed to perform start-up activities and for the perpetual management, maintenance, and monitoring of the biological conservation easement areas by the natural lands management organization. It should be demonstrated that the



proposed funding mechanism would ensure that adequate funds would be available initially and on an annual basis to implement the MMP. The natural lands management organization should submit a draft MMP, PAR results, and proposed funding mechanism to the Department for review and approval prior to initiating construction activities; the final plan should be submitted to the Department and the funds for implementing the MMP transferred within 90 days of receiving approval of the draft plan.

2. The Department recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1 - September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
3. As stated above, the proposed Project is located primarily within the PAMA, within the San Marcos-Merriam Mountains Core Area (Planning Unit 9) and is part of a larger block of natural habitat (typically 500 acres or more) that supports a viable population of multiple wildlife species located west of Interstate 15 (I-15) in the PAMA. The draft NC-MSCP plan anticipates that approximately 75 percent of lands designated as PAMA would be conserved with 25 percent utilized for development and anticipates the following conservation goals for the San Marcos-Merriam Mountains Core Area (Planning Unit 9) (County of San Diego, 2014b):
  - A. Conserve oak woodlands, coastal sage scrub (particularly in Twin Oaks) to maintain populations and connectivity of coastal California gnatcatcher and other coastal sage scrub-dependent species, and chaparral on mafic or gabbro soils that support sensitive plant species, such as chaparral beargrass and Parry's tetradlea, San Diego thornmint (particularly in San Marcos Mountains), or California adonis;
  - B. Ensure that a core community of coastal California gnatcatcher and other coastal sage scrub-dependent species remains in the coastal sage scrub block in Twin Oaks;
  - C. Conserve the north-south connectivity of coastal California gnatcatcher habitat along I-15 between the Riverside County line and the City of Escondido. Maintain the east-west connectivity of natural habitats on either side of I-15 for dispersal of coastal sage scrub community birds;
  - D. Conserve the riparian and upland habitats of Gopher Canyon Creek for water quality and sensitive species, such as southwestern pond turtle and least Bell's vireo; and,
  - E. Ensure the San Diego thornmint population in the Palisades open space preserve is maintained and enhanced, if practicable.



Based on the NOP and CEQA Initial Study (Environmental Checklist Form) and supporting information (County of San Diego, 2015a and Helix, 2015), the current project proposal would only provide a 32 percent conservation and 68 percent development ratio, which would be substantially less than and not consistent with the 75 percent average reserve assembly target for lands designated as PAMA in the NC-MSCP and would fragment a larger block of habitat that is planned to connect designated preserve areas with high value habitat within the NC-MSCP PAMA, including areas currently conserved to mitigate impacts to California gnatcatchers and their habitat. Fragmentation reduces habitat quality and promotes increased levels of nest predation and brood parasitism, and ultimately, increased rates of local extinction (Wilcove 1985, Rolstad 1991, Saunders *et al.* 1991, Soulé *et al.* 1988). Connectivity among habitat reserve areas (i.e., connectivity among gnatcatcher habitat within the NC-MSCP PAMA) is essential for long-term maintenance of the viability of California gnatcatchers in this area. Maintaining connectivity among these patches of habitat serves to: (1) allow exchange of genetic material among populations; (2) allow recolonization of habitat patches from which gnatcatchers have been extirpated; and (3) allow relatively safe travel for gnatcatchers moving from one area to another. Fragmentation of habitat within core habitat areas and the narrowing of connections among blocks of remaining habitat for gnatcatchers are expected to reduce the function and value of these areas.

The DEIR should evaluate direct and indirect impacts that the proposed development would have on the planned San Marcos-Merriam Mountains Core Area linkage and NC-MSCP planning unit goals, and in particular consider adverse effects on north-south and east-west wildlife movement through/across the site. The DEIR should analyze potential impacts to wildlife movement (including gnatcatchers, mammals and herpetofauna), loss of and fragmentation to habitat patches/blocks on-site and implications to adjoining habitat, and the narrowing of movement corridors in relation to existing conditions and topography.

4. The Department recommends that a 100-foot buffer from the riparian habitat in the major drainage of Escondido Creek be incorporated into the Project. This habitat is expected, either currently or in time, to support sensitive riparian species such as the endangered least Bell's vireo. We further recommend that any encroachment (necessitated by site topography) from on-site trails be avoided or extremely limited, and not approach any closer than 50-feet to riparian/wetland habitat. The DEIR should include a map showing the location of all proposed trails.
5. If the Project includes parks and/or fuel modification zones within the open space acreage, please be aware that these uses would be considered fully impacted by the Department and cannot be included in biological open space proposed for conservation to offset impacts to sensitive resources and must be mitigated appropriately. The DEIR should clearly differentiate between biological open space that would be used as mitigation to offset Project impacts (natural open space) and open space (i.e., parks and fuel modification zones) that would be routinely maintained/impacted.
6. The Section 10 of the CEQA Initial Study (Environmental Checklist Form) indicates that the Project would require issuance of a County Habitat Loss Permit (HLP, Ordinance Nos. 8365, 8380, 8608, 8846, 9457, and 9671), which implements the interim 4(d) rule of the federal Endangered Species Act and the state Natural Community Conservation Planning (NCCP) Process Guidelines for loss of coastal sage scrub habitat during preparation of a NCCP-HCP.



To approve an interim habitat loss application, the local agency must make the following findings:

- A. The proposed habitat loss is consistent with the interim loss criteria in the Conservation Guidelines and with any subregional process if established by the subregion;
- B. The habitat loss does not cumulatively exceed the 5% guideline;
- C. The habitat loss will not preclude connectivity between areas of high habitat values;
- D. The habitat loss will not preclude or prevent the preparation of the subregional NCCP (e.g., the loss would not foreclose future reserve planning options);
- E. The habitat loss has been minimized and mitigated to the maximum extent practicable;
- F. The habitat loss will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild; and,
- G. The habitat loss is incidental to otherwise lawful activities.

The NC-MSCP Planning Agreement also establishes guidelines for interim projects while the Plan is being completed (Section 6.6, Interim Project Processing Interim Review Process and Exhibit B). The Interim Review guidelines identify that where a project will not affect coastal sage scrub but will negatively affect (a) biological resources in areas mapped as "high value" and "very high value" based on the County's habitat evaluation models that utilize the best available information at the time, (b) areas mapped as "moderate" or "low" value that may be important for preserve assembly, and/or (c) proposed Covered Species or their habitat based on current biological surveys, the NCCP/4(d) findings shall be considered and preserve design principles shall be applied to the project including the following:

- A. On-site open space should provide a long-term biological benefit;
- B. On-site open space must protect habitat of equal or greater value as that being impacted. No isolated pockets of open space should be used for mitigation credit;
- C. Separate lots should be used whenever possible for on-site open space to help protect the biological value of the preserved areas;
- D. On-site open space shall contribute to regional conservation efforts;
- E. Open space design, to the extent known, should not reduce the biological diversity found on the site;
- F. Open space design shall maintain habitat connectivity between areas of high quality habitat;
- G. The most sensitive resources shall be protected to maximize long-term viability; and,
- H. Edge effects and habitat fragmentation shall be minimized by maximizing the surface area to perimeter ratio, preserving large blocks of contiguous open space. Edge effects shall be further minimized by establishing buffers, providing fencing and/or permanent signs, and limiting trails and/or lighting.

The DEIR should include sufficient information and analysis to demonstrate how the project is consistent with the preliminary conservation objectives of the NC-MSCP (including the planning units goals for the San Marcos-Merriam Mountains Core Area, see Comment No. 3) and the Planning Agreement Exhibit B guidelines for interim projects and how it would meet the NCCP/4(d) findings required for the County to issue a HLP for impacts to coastal sage scrub (which are subject to Department and United States Fish and Wildlife Service concurrence).

- 7. The proposed Project is located adjacent to various lands that have been or are planned to be conserved for biological resources, including lands owned by the Escondido Creek Conservancy, the County of San Diego (Del Dios Highlands Preserve and Escondido Creek Preserve), Olivenhain Municipal Water District (Elfin Forest Recreational Reserve) and conserved lands at the approved and under construction Harmony Grove Village development. The DEIR should evaluate the direct and cumulative effects that the proposed development would have on the adjacent existing and proposed conservation. The analysis should include effects on these lands from the proposed Project, including direct and indirect impacts from: (a) increased public use of these open space areas from



the Project's population; (b) lighting; (c) noise; (e) drainage; (f) landscaping and introduced vegetation, etc.

8. All plans for restoration/revegetation associated with the Project should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
9. The Department is concerned about the potential direct and indirect effects to biological resources associated with the construction of trails in areas proposed for designation as open space on site. We recommend that trails in open space be located to not bisect intact areas and instead be placed along the perimeter or edge of open space areas. The following information should be included in the DEIR regarding any proposed trail: an aerial photograph with an overlay of the proposed alignment of the trail in relation to designated or proposed open space; specifications of the trail type and design; measures to avoid/minimize impacts related to users straying off-trail and/or unauthorized activities (e.g., vehicles); and a discussion of how the proposed location and use of the trail would be consistent with the County's draft NC-MSCP.
10. To increase potential habitat and functionality of on-site wildlife corridors, we recommend that any Project-graded slopes and fuel clearing areas requiring replanting be planted with compatible, low-fuel natives (e.g., cacti and other succulents) to minimize the potential for invasive species to spread into the proposed on-site mitigation/open space areas and into adjacent natural lands.
11. The County should ensure that all development-related landscaping proposed adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic species should be removed and replaced with native or non-invasive exotic species based on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" list that can be obtained from Cal-IPC's web site at <http://www.cal-ipc.org>. This list includes such species as pampas grass, fountain grass, myoporum, black locust, capeweed, tree of heaven, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant should submit a draft list of species to be included in the landscaping to the Department for approval at least 60 days prior to initiating Project impacts. Additionally, the applicant should also submit to the Agencies the final list of species to be included in the landscaping within 30 days of receiving approval of the draft list of species.
12. Based on initial biological surveys for the Project (Helix 2015), the property includes the following habitats that contain sensitive plant species and/or support sensitive animal species: Diegan coastal sage scrub, coastal sage-chaparral transition, granitic southern mixed chaparral, mafic southern mixed chaparral, coast live oak woodland, and non-native grassland. In addition, southern (willow) riparian forest and mule fat scrub exist where Project improvements would improve the existing "Arizona" crossing in Escondido Creek. Species known to use these habitats within the on- and off-site Project impacts areas include a pair of California gnatcatcher (Federally listed as Threatened, a State Species of Special Concern, and County Group 1 animal) and least Bell's vireo within Escondido Creek (Federally listed as Endangered, State listed as Endangered, and a County Group 1 animal).



The NC-MSCP is still in-progress, and is expected to be completed in 2017. Until the NC-MSCP is completed and permit issued, the Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options [Fish and Game Code §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

13. The NOP and CEQA Initial Study (Environmental Checklist Form) (County of San Diego 2015a) indicate that the site contains a number of drainages (ephemeral streambed) that bisect the project site and are tributaries to Escondido Creek. On-site construction could result in direct or indirect impacts to these ephemeral streambeds (and associated coast live oak woodland), as well as to southern (willow) riparian forest and mule fat scrub habitats associated with Escondido Creek, from the replacement of the existing Arizona crossing with the proposed three-span bridge.

The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. The project area supports aquatic, riparian, and wetland habitats. The DEIR should include a jurisdictional delineation of the creeks/drainages and their associated riparian habitats. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service wetland definition adopted by the Department (Cowardin *et al.* 1979). Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency under CEQA, the Department may consider the City's DEIR for the project. We recommend that all wetlands and watercourses on-site, whether ephemeral, intermittent or perennial, should be retained and provided with substantial setbacks to preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife and plant populations. Moreover, to minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an SAA.<sup>1</sup>

<sup>1</sup> A notification package for a SAA may be obtained by accessing the Department's web site at [www.wildlife.ca.gov/habcon/1600](http://www.wildlife.ca.gov/habcon/1600).



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