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March 26, 2020

Governor's Office of Planning & Research

MAR 26 2020

STATE CLEARINGHOUSE

Elizabeth Shearer-Nguyen
City of San Diego
1222 First Ave, MS 501
San Diego, CA 92101

Subject: Southwest Village Specific Plan (Project) Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) SCH# 2004051076

Dear Ms. Shearer-Nguyen:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a SEIR from the City of San Diego (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Otay Mesa Community Plan Update (CPU), under which the Southwest Village Specific Plan is nested, in a joint letter with the U.S. Fish and Wildlife Service (Service) in 2006, and again in response to the Final Program Environmental Impact Report in 2013.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Pardee Homes

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Objective: The objective of the Southwest Village Specific Plan (Specific Plan) is to provide a comprehensive policy framework intended to guide future development in Southwest Village. The Project will build a 450-acre development anchored by up to 175,000 square feet of commercial and retail space in a mixed-use Village Core. Primary Project activities include planning for the 5,130 attached and detached residences

Location: The Project is near Caliente Avenue within the Otay Mesa Planning Area, zip code 92154.

Biological Setting:

There are 15 vegetation community types present in the Otay Mesa Community Planning Update (CPU) area, these include: non-native grasslands (2,429 acres), Diegan coastal sage scrub (1,619 acres), disturbed land (673 acres), maritime succulent scrub (541 acres), agriculture (113 acres), riparian (24 acres), vernal pools (12 acres), basins with fairy shrimp (12 acres), mule fat scrub (5 acres), southern mixed chaparral (5 acres), freshwater marsh (1 acre), eucalyptus woodland (1 acre), and alkali seep (0.5 acre). Several of these vegetation types are occupied by listed and MSCP-covered species, such as the San Diego thornmint (*Acanthomintha ilicifolia*; California Endangered Species Act (CESA) listed endangered and federal Endangered Species Act (ESA) listed threatened; California Rare Plant Rank (CRPR) 1B.1), San Diego ambrosia (*Ambrosia pumila*; federal listed threatened; CRPR 1B.1), San Diego goldenstar (*Bloomeria clevelandii*; CRPR 1B.1), Orcutt's brodiaea (*Brodiaea orcuttii*; CRPR 1B.1), snake cholla (*Cylindropuntia californica*; CRPR 1B.1), Otay tarplant (*Deinandra conjugens*; ESA listed threatened and CESA listed endangered; CRPR 1B.1), Orcutt's bird's-beak (*Dicranostegia orcuttiana*; CRPR 2B.1), variegated dudleya (*Dudleya variegata*; CRPR 1B.2), San Diego button-celery (*Eryngium aristulatum* var. *parishii*; ESA listed endangered and CESA listed endangered; CRPR 1B.1), San Diego barrel cactus (*Ferocactus viridescens*; CRPR 2B.1), spreading navarretia (*Navarretia fossalis*; ESA listed threatened; CRPR 1B.1), California Orcutt grass (*Orcuttia californica* var. *californica*; ESA listed endangered and CESA listed endangered; CRPR 1B.1), Otay Mesa mint (*Pogogyne nudiuscula*; ESA listed endangered and CESA listed endangered; CRPR 1B.1), and small-leaved rose (*Rosa minutifolia*; CESA listed endangered; CRPR 2B.1). Wildlife species include: San Diego fairy shrimp (*Branchinecta sandiegonensis*; ESA listed endangered), Riverside fairy shrimp (*Streptocephalus wootoni*; ESA listed endangered), Quino checkerspot butterfly (*Euphydryas editha quino*; ESA listed endangered), western spadefoot (*Spea hammondi*; California Species of Special Concern (SSC)), Belding's orange-throated whiptail (*Aspidoscelis hyperythra*; SSC), Coronado skink (*Plestiodon skiltonianus interparietalis*; SSC), San Diego horned lizard (*Phrynosoma blainvillii*; SSC), red diamond rattlesnake (*Crotalus ruber*; SSC), two-striped gartersnake (*Thamnophis hammondi*; SSC), white tailed kite (*Elanus leucurus*; California Watch List and California Fully Protected Species (FPS)), northern harrier (*Circus hudsonius*; SSC), Cooper's hawk (*Accipiter cooperii*; California Watch List), golden eagle (*Aquila chrysaetos*; FPS), prairie falcon (*Falco mexicanus*, California Watch List), western burrowing owl (*Athene cunicularia*; SSC), loggerhead shrike (*Lanius ludovicianus*; SSC), least Bell's vireo (*Vireo bellii pusillus*; ESA and CESA listed endangered), California horned lark (*Eremophila alpestris*; California Watch List), coastal cactus wren (*Campylorhynchus brunneicapillus*; SSC), coastal California gnatcatcher (*Poliophtila californica californica*; ESA listed threatened, SSC), yellow-breasted chat (*Icteria virens*; SSC), southern California rufous-crowned sparrow (*Aimophila ruficeps*; California Watch List), grasshopper sparrow (*Ammodramus savannarum*; SSC), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*; SSC), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*; SSC), and San Diego desert woodrat (*Neotoma lepida intermedia*; SSC).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a SEIR is appropriate for the Project.

Comments and recommendations provided here are based on the Final EIR (Project No. 30330/304032 / SCH No. 2004051076), since no Initial Study or Biological Technical Report has been conducted for the Southwest Village Specific Plan (Specific Plan). The City recommends that, pursuant to Section 15060(d) of the CEQA Guidelines, a SEIR be prepared, since the proposed Project may result in significant environmental impacts to biological resources.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT #1: Impacts to unique, rare, endangered, sensitive, or fully protected species would occur with implementation of the Specific Plan. Impacts due to project activities would be considered significant and could be mitigated at the project level in accordance with Environmentally Sensitive Lands Regulations and the City's Biology Guidelines. When possible, CDFW recommends assessment of biological resources (plant and animal) by direct surveys within the proposed Project site.

II. Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT #2: CDFW has responsibility for wetland and riparian habitats. It is the policy of the CDFW to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the SEIR and must compensate for the loss of function and value of a wildlife corridor.

- a. The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be

included in the SEIR. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service wetland definition adopted by CDFW.² Please note that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

The CDFW also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the CDFW as a Responsible Agency. CDFW, as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by CDFW 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 the LSAA.³

Would the Project interfere substantially with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites?

COMMENT #3: CDFW recommends that the City conduct direct surveys of the biological resources within the Project site and produce a biological survey report that identifies any direct or indirect impacts to wildlife, including impacts to wildlife movement or habitat corridors according to CEQA Guideline 276, the City's Biology Guidelines (2012), and the MSCP Subarea Plan's General Planning Policies and Design Guidelines (1997) aimed at protecting the integrity of the wildlife corridors.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB).

² Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

³ A notification package may be obtained by accessing the Department's web site at <http://www.wildlife.ca.gov/Conservation/LSA>

The CNNDDB field survey form can be found at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address:
CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nasseer Idrisi, Senior Environmental Scientist at (858) 467-2720 or Nasseer.Idrisi@wildlife.ca.gov.

Sincerely,



David Mayer
Acting Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento