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CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Mr. Joseph Farace
Project Manager
City of San Marcos – Planning Division
1 Civic Center Drive
San Marcos, California 92069
jfarace@san-marcos.net

Subject: Comments on the Draft Environmental Impact Report for the Mission 316 West Specific Plan Project SCH# 2019029038

Dear Mr. Farace:

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Draft Environmental Impact Report (DEIR) dated August 2019. The Wildlife Agencies have identified potential effects of this project on wildlife and sensitive habitats. The project details provided herein are based on the information provided in the DEIR and associated documents. The Wildlife Agencies' comments and recommendations provided are based on our knowledge of sensitive and declining vegetation communities in the County of San Diego and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act. 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'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 Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of San Marcos (City) is no longer participating in the NCCP program.

The approximately 4.02-acre project site is located at the northeast corner of Woodward Street and East Mission Road in the City (APN 220-210-50). The project would develop 67 multi-

family housing units and associated parking. The project site contains steep slopes that would require approximately 25,200 cubic yards of cut material, 13,400 cubic yards of fill material, and 11,800 cubic yards of export material. A grading variance is proposed for slopes exceeding 20 feet in height. Access to the site would be provided via one driveway located off of Woodward Street and one driveway off of East Mission Road. The project would also include a 100-foot wide fire management zone (FMZ) from the edge of structures along the northern periphery of the project site. The FMZ would be a Zone A with non-combustible surfaces, irrigated wet zone, minimum tree spacing, fire resistant species, and routine maintenance.

Proposed project impacts would include approximately 1.43 acres of permanent impacts to coastal sage scrub (CSS). Protocol surveys for the federally endangered coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) in 2018 found gnatcatchers within CSS immediately adjacent to and contiguous with the proposed impact area (KMEA 2018). The CSS to be impacted by the proposed project is likely part of the territory of the gnatcatchers found adjacent to the project site.

The main concern of the Wildlife Agencies regarding the proposed project is potential impacts to the gnatcatcher and its habitat. We offer our comments and recommendations to assist the City 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.

1. The Wildlife Agencies recommend the driveway off of Woodward Street be eliminated as proposed in Alternative 2, or moved to the south and modified as needed to meet traffic standards, in order to minimize impacts to the gnatcatcher and its CSS habitat. According to the DEIR, Alternative 2 avoids direct impacts to CSS due to the elimination of the driveway to Woodward Street, resulting in greater preservation of onsite habitat, avoiding impacts to CSS, and potentially eliminating the need for preservation as specified in mitigation measure BIO-6.
2. Because the project site is likely occupied by the gnatcatcher, we recommend that if impacts to CSS are not avoided, then mitigation measure BIO-6 be modified to require CSS mitigation at a site occupied by the gnatcatcher and approved by the Wildlife Agencies.
3. Potential impacts to the gnatcatcher may be addressed through section 7 (if there is a federal nexus) or section 10 of the Act.
4. Mitigation measure BIO-2 specifies nesting bird survey dates and buffers for site-clearing activities. The Department recommends nesting bird surveys be performed if any construction or staging activities occur during the avian breeding season, which generally runs from February 1- September 15 (as early as January 1 for some raptors) to avoid take of birds or their eggs. The Department recommends surveys within 3 days prior to the onset of construction activities by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds 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). 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.

5. We recommend that an additional mitigation measure be included that requires the limits of the fuel management zone be permanently marked, and that all fuel management occur between September 1 and February 14 to avoid the gnatcatcher breeding season.

We appreciate the opportunity to comment on this DEIR. We are hopeful that further consultation between you and us will ensure the protection we find necessary for the biological resources that would be affected by this project. If you have questions or comments regarding this letter, please contact Janet Stuckrath of the Service (760) 431-9440 or Eric Hollenbeck of the Department at (858) 467-2720.

Sincerely,



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

for Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

cc:
State Clearinghouse

LITERATURE CITED

KMEA. 2018. Letter report: 2018 coastal California gnatcatcher (*Polioptila californica californica*) protocol survey results for the Mission 316 project, San Marcos, California. November 29, 2018.