



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
 www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



April 1, 2020

Mr. David De Vries
 City Planner
 City of Poway
 Development Services
 13325 Civic Center Drive
 Poway, CA 92064

Governor's Office of Planning & Research

APR 01 2020

STATE CLEARINGHOUSE

**Subject: The Farm (PROJECT)
 DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
 SCH# 2019059048**

Dear Mr. De Vries:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Poway for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to a Notice of Preparation of the DEIR in a letter dated June 6, 2019.

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.

CDFW is also a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 1538¹.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the

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.

extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Natural Community Conservation Planning (NCCP) program. The City of Poway (City) participates in the NCCP program by implementing its approved Subarea HCP/NCCP.

PROJECT DESCRIPTION SUMMARY

Proponent: The City of Poway

Objective: The Project consists of a General Plan Amendment and Zoning Amendment, as well as a Specific Plan, Development Plan, and a Tentative Map to allow for the development of 160 single-family dwelling units. Other proposed land uses include areas designated as Open Space Conservation and Open Space Recreation, which would allow for professionally managed farmland, naturalized open space, multi-use trails, gardens, a fitness club, social club, an event barn with outdoor event space for parties, weddings, and similar events, and a butterfly education center.

Location: The 117.2-acre Project site is located in the northern portion of the City at 17166 Stoneridge Country Club Lane. The site includes the decommissioned Stoneridge Country Club and associated 18-hole golf course. The Project is located outside of the designated Mitigation Area (MA) under the HCP/NCCP.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations 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.

Specific Comments

1. The DEIR offers two options in Mitigation Measure MM-BR-2 of how the 0.39 acre of proposed mitigation will be addressed: purchase land within the Mitigation Area (MA) or payment of in-lieu fees into a mitigation bank. It is unclear which option the City is proposing. The DEIR should adequately describe the exact location of the 0.39 acre of proposed mitigation habitat (include figure), an inventory of the resources within it, and explain the legal mechanism (e.g. conservation easement) that would be used to preserve and protect the habitat in perpetuity. Alternatively, the EIR should identify the conservation bank and credits which must be purchased to mitigate the project impacts.
2. The development footprints for the Reduced Density Alternative and Reduced Development Alternative are not clear (e.g. no figures or tables are provided) and therefore it is difficult to compare impacts.

3. As specified in section 7.4.3 *Compensation Mitigation Ratios* of the HCP/NCCP, the mitigation ratio for individual oak trees outside of a woodland habitat is 10:1 for direct impacts and 5:1 for indirect impacts. The DEIR identifies several coast live oaks (*Quercus agrifolia*) within the northern area of the Project site. Mitigation Measure MM-BR-3 in the DEIR proposes a 4:1 mitigation ratio for impacts to individual oak trees. This does not meet the mitigation requirements of the HCP/NCCP.
4. The Project is within 300 feet of the MA and Biological Core and Linkage Areas to the north and 700 feet to the east. It is directly south of the Lower Sycamore Creek Cornerstone (LSCC) which serves as a critical link for regional wildlife movement through Poway along Sycamore Creek into natural communities in the San Dieguito River Valley. The proposed Project footprint includes 14.65 acres of recreational open space (OS-R) and 55.72 acres of conservation open space (OS-C). The Department recommends incorporating native plant species into these areas and any proposed landscape spaces throughout the Project site to benefit native bird and other pollinator species such as native bees. In addition, although these on-site areas are small, landscaping with native plant species may create pockets of habitat that provide connectivity (i.e., stepping stone habitat) for species in the nearby open space areas north and east of the Project site, and for species moving through the area on a much larger regional scale.
5. To avoid impacts to nesting birds, Mitigation Measure MM-BR-1 on page 23 of the DEIR states that a "pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities a qualified biologist." There is no mention of the size of the area to be surveyed. The Department recommends preconstruction nesting surveys be conducted no more than three days prior to the initiation of project activities, and that the survey area cover the limits of disturbance and 300 feet (500 feet for raptors) from the area of disturbance. Focus should be given to the federally threatened coastal California gnatcatcher (*Poliioptila californica californica*) as the species is known to nest in nearby open space and the Department has received communication from the public that the species may be present within the northeastern Project boundary.
6. The Department recommends against using rodenticides throughout the Project site as a management tool for protecting the proposed community gardens from small mammals. Due to the proximity of this project to natural communities in the MA and LSCC, rodenticides could have potential indirect impacts to native wildlife that prey on small mammals through ingestion of poisonous substances.
7. The Department recommends planting native milkweed (*Asclepias* sp.) in the proposed butterfly gardens and avoid planting nonnative tropical milkweed (*Asclepias curassavica*). This not only potentially benefits the monarch (*Danaus plexippus*), but a host of additional pollinator species. Monarch populations are in decline and planting tropical milkweed that does not die back in the winter disrupts the natural migratory cycle of this species. This disruption leads to increased stressors such as disease build-up, winter breeding, and overall decrease in fitness.

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

Mr. David De Vries
City Planner
City of Poway
April 1, 2020
Page 4 of 4

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 (CNDDDB). The CNDDDB 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.

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Melissa Stepek, Senior Environmental Scientist at (858) 637-5510 or Melissa.Stepek@wildlife.ca.gov.

Sincerely,



David A. Mayer
Environmental Program Manager
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento
David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad