



U.S. FISH AND WILDLIFE SERVICE  
Carlsbad Fish and Wildlife Office  
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Carlsbad, California 92008



CALIFORNIA DEPARTMENT OF  
FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, California 92123

In Reply Refer to:  
FWS/CDFW-19B0220-19CPA0282

September 3, 2019  
*Sent via email*

Mr. Jay Paul  
City of Escondido  
Planning Division  
201 North Broadway  
Escondido, CA 92025  
[jpaul@escondido.org](mailto:jpaul@escondido.org)

Governor's Office of Planning & Research

**SEP 04 2019**

**STATE CLEARINGHOUSE**

Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Emergency Recycled Water Storage Pond Project

Dear Mr. Paul:

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 Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Emergency Recycled Water Storage Pond Project dated July 29, 2019. The project details provided herein are based on the information provided in the MND and associated documents. The Wildlife Agencies' comments and recommendations 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 proposed project involves the construction and operation of an approximately 5.9-acre emergency recycled water storage pond and associated access. The pond project is part of the

City's Eastern Recycled Water System Project, which includes a recycled water pipeline that will connect to and fill the pond during heavy wet weather storm events in an effort to avoid spilling to Escondido Creek.

While the City of Escondido (City) is the Lead Agency for the project, the project site is located within the unincorporated County of San Diego (County), on private property near the northern terminus of Via Sinsonte, east of South Citrus Avenue, and northwest of the State Route 78 and Cloverdale Road intersection. The site is not located in the Pre-Approved Mitigation Area (PAMA) within the Metro-Lakeside-Jamul segment of the County's Multiple Species Conservation Program (MSCP) Subarea Plan, a joint NCCP/HCP permitted by and implemented in coordination with the Wildlife Agencies. Proposed project impacts would include 5.5 acres of permanent and 1.0 acre of temporary impacts to coastal sage scrub (CSS). Protocol surveys for the federally endangered coastal California gnatcatcher (*Poliophtila californica californica*, gnatcatcher) in 2016 found gnatcatchers within 300 feet of the proposed impact areas (Helix 2016). In addition, surveys for the pipeline project in 2016 found gnatcatchers on the pond project site (ESA 2016).

The main concerns of the Wildlife Agencies about the proposed project are potential impacts to the gnatcatcher and its habitat; and potential piecemealing of impacts associated with the rest of the Eastern Recycled Water System Project. We offer the following 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) Based on the 2016 surveys (Helix 2016), the MND concludes that the CSS to be impacted is unoccupied by the gnatcatcher and proposes to mitigate impacts to CSS at a 1:1 ratio at the Daley Ranch Conservation Bank, which is also unoccupied by the gnatcatcher. However, the project site is likely within the territory of the gnatcatchers found within 300 feet of the proposed impact areas. Based on this and 2016 pipeline project survey (ESA 2016), the CSS on the project site appears to be occupied by the gnatcatcher. Therefore, we recommend the City mitigate for project impacts to CSS at a minimum 2:1 ratio by restoring and/or conserving CSS occupied by the gnatcatcher at a site approved by the Wildlife Agencies.
- 2) Potential impacts to the gnatcatcher may be addressed through section 7 (if there is a federal nexus) or section 10 of the Act. We recommend that updated gnatcatcher protocol surveys be performed to help ensure accurate evaluation of potential impacts to the gnatcatcher.
- 3) We recommend that the entire Eastern Recycled Water System project be reviewed together to ensure adequate analysis of potential cumulative impacts, and avoid potential piecemeal review and processing of inter-related project phases.

We appreciate the opportunity to comment on the subject MND. We are hopeful that further consultation between our agencies 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, extension 270 or Carol Williams of the Department at 858-637-5511.

Sincerely,

A handwritten signature in blue ink that reads "Gail K. Sevens". The signature is written in a cursive style with a horizontal line at the end.

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

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

cc: State Clearinghouse

*Literature Cited*

Helix Environmental Planning. 2016. Letter report: Year 2016 coastal California gnatcatcher (*Polioptila californica californica*) survey report for the Escondido Emergency Storage Pond Project. August 11, 2016.

ESA. 2016. Letter report: Results of a 2016 coastal California gnatcatcher survey for the proposed Phase 1 Agricultural Reuse and Salt Reduction Project, San Diego County, California. September 9, 2016.