



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



November 12, 2019

Governor's Office of Planning & Research

Ms. Kiran Kaur
County of San Diego
Department of Parks and Recreation
5500 Overland Ave, Ste 410
San Diego, CA 92123

NOV 12 2019

STATE CLEARINGHOUSE

Subject: Draft Mitigated Negative Declaration for the Otay Valley Regional Park Bike Skills Park Project, San Diego County, California

SCH# 2019109026

Dear Ms. Kaur:

The California Department of Fish and Wildlife (Department) has reviewed the proposed Otay Valley Regional Park Bike Skills Park project (Project) draft Mitigated Negative Declaration (MND). The comments provided in this letter are based on information provided in the draft MND and associated documents, including the Biological Resources Technical Report (BTR); meetings and discussions with County of San Diego (County) staff; our knowledge of sensitive and declining vegetation communities in the County; and our participation in regional conservation planning efforts including the County's Multiple Species Conservation Program (MSCP) Subarea Plan.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning (NCCP) program. The County has signed an Implementing Agreement with the Department and the U.S. Fish and Wildlife Service (USFWS) for the implementation of the County's Multiple Species Conservation Program Subarea Plan.

The Project site is located in the City of San Diego (City) within the Otay Valley Regional Park. The Otay Valley Regional Park is the result of a multi-jurisdictional planning effort by the County, the City, and the City of Chula Vista. The Project site is bound by residential development and Rancho Drive to the north, and open space to the south, west, and east. The Project proposes a bike skills facility across portions of three parcels (APNs 624-070-01-00, 631-013-35-00, and 631-013-37-00). The bike skills facility will include a children's park, pump track, jump park, skill trail, and access trails and roads.

The BTR identified five native vegetation communities within the 18-acre Biological Study Area, which includes the entire proposed impact area and a surrounding 100-foot buffer. These habitat types included several riparian and other wetland habitats and disturbed Diegan coastal sage scrub (CSS). Of these native habitats, impacts are only proposed to occur within the CSS. Temporary impacts to 4.36 acres and permanent impacts to 0.78 acre of CSS will be mitigated at a 1:1 to 1.5:1 ratio, respectively. In addition to the above native habitat types, sensitive wildlife species including the federally threatened California gnatcatcher (*Poliioptila californica californica*, gnatcatcher), and the state and federally endangered least Bell's vireo (*Vireo bellii pusillus*, vireo) and Southwestern willow flycatcher (*Empidonax traillii extimus*), are known to occur within one mile of the BSA and/or have a high potential to occur on site.

The Department offers the following comments on the proposed Project and associated draft MND in order to assist the Project 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) Pre-construction surveys, particularly for nesting birds, should occur with 3 days (72 hours) prior to potentially impactful activities. Where activities will occur adjacent to potential sensitive passerine (i.e., gnatcatcher and vireo) or raptor nesting habitat, surveys should occur within 300 ft. and 500 ft. of such habitat, respectively. We recommend the Mitigation Measure BIO-1 (MM-BIO-1) be updated to reflect these criteria. If nesting birds are found within the vicinity of the construction activities, it is the responsibility of the Lead Agency and project applicant to identify and implement appropriate buffers and other avoidance and minimization measures to ensure the project does not result in the destruction of bird nests and eggs. State law does not provide an avenue for the Department to approve of or concur on the adequacy of nest avoidance measures to avoid take. However, it our standard guidance to recommend a 300-foot buffer for sensitive passerine species and a 500-foot buffer for most raptor species.
- 2) The Project site includes areas of Multi-Habitat Planning Area (MHPA) associated with the City's MSCP Subarea Plan. The Department recommends that the MND be updated to include a discussion of how potential impacts within the MHPA and associated mitigation measures are consistent with the City's MSCP Subarea Plan and Environmentally Sensitive Lands guidelines.
- 3) The Department recommends that the Project include design measures to discourage park users from accessing any currently unauthorized trails adjacent to the Project site. Such measures, such as fencing and signage, can be removed upon future environmental review and authorization of any such trails.

Thank you for the opportunity to comment on the subject draft MND. If you have any questions, please contact Patrick Tilley of the Department at Patrick.Tilley@wildlife.ca.gov or (858) 467-4237.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: State Clearinghouse
Jonathan Snyder, U.S. Fish and Wildlife Service