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Governor's Office of Planning & Research

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APR 01 2020

STATE CLEARINGHOUSE

**Subject: Trails at Carmel Mountain Ranch Environmental Impact Report (PROJECT)
NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT
REPORT (DEIR) SCH# 2020039006**

Dear Ms. Shearer-Nguyen:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of San Diego (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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 also administers the Natural Community Conservation Planning Program. The City has an approved Subarea Plan and Implementing Agreement under the Multiple Species Conservation Plan (MSCP).

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Diego

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 Project is a General Plan Amendment encompassing the following: a Community Plan Amendment to redesignate zoning from Private-Recreation-Golf-Course to Low-Medium Density residential, Medium Density Residential, Open Space, and Other Open Space in the Carmel Mountain Ranch Community Plan; a rezone from AR-1-1, RS-1-14, RM-1-1, and RM-2-5 to RM-1-1, RM-1-2, RM-1-3, RM-2-4, RM-2-5, RM-2-6, and RM-2-7; a Vesting Tentative Map; a Master Planned Development Permit; a Site Development Permit; a Neighborhood Development Permit; Recission of Page 2 of 2 Conditional Use Permit No. 87-0568; and various Easement Vacations. These elements of the General Plan Amendment would allow redevelopment of the existing 18-hole golf course at Carmel Mountain Ranch with 1,200 multi-family residential units and a mix of open space and recreational areas. More specifically, the Project would include 251 townhomes, 586 market-rate apartments, 120 affordable apartments, and 243 apartments for age 55 and older residents. Various recreational amenities would be provided as well as a multi-use trail system that would circulate throughout the Project site. Most of the trail system would include decomposed granite or compacted earth trails with some concrete trails that would be repurposed from the previous golf cart path.

Location: Carmel Mountain Ranch is located in the northeastern part of the City. The Project area is directly east of Interstate 15 and lies north of Ted Williams Parkway and south of Carmel Mountain Road.

Biological Setting: Special status species identified on California Natural Diversity Database (CNDDB) with the potential to occur in the region include: coastal California gnatcatcher (*Poliophtila californica californica*; Endangered Species Act (ESA) listed threatened), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), coast horned lizard (*Phrynosoma blainvillii*; California Species of Special Concern (SSC)), San Diego black-tailed jackrabbit (*Lepus californicus bennetti*; SSC), Coulter's saltbush (*Atriplex coulteri*; California Native Plant Society (CNPS) Rare Plant Rank 1B.2), variegated dudleya (*Dudleya variegata*; CNPS) Rare Plant Rank 1B.2), California adolphia (*Adolphia californica*; CNPS Rare Plant Rank 2B.1), and San Diego barrel cactus (*Ferocactus viridescens*; CNPS Rare Plant Rank 2B.1).

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. Based on the potential for the Project to have a significant impact on biological resources, CDFW agrees that an Environmental Impact Report is appropriate for the Project.

I. Comments

COMMENT #1:

The Project site does not abut any MSCP, Multi-Habitat Planning Area (MHPA) open space areas. The 1200 multi-family residential units constructed on the existing 18-hole golf course would be surrounded by development, with the exception of open space areas in Units 14 and 15 which are adjacent to undeveloped land, and the open space in Units 4 and 5 are adjacent to Carmel Mountain Ranch Community Park. The golf course has likely served as an urban adapted, local wildlife linkage. Some of that functionality may be affected by the construction of

housing units on much of the currently open land. The Project as designed would retain some open space in areas distributed throughout the planned housing. Therefore, the CDFW recommends incorporating native plant species into these areas and any proposed landscapes throughout the Project. 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 bird and pollinator species in the open space areas east and west of the Project site.

COMMENT #2:

CDFW has responsibility for wetland and riparian habitats. It is the policy of 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 DEIR.

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, 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 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.

II. Recommendations to Minimize Significant Impacts:

RECOMMENDATION #1:

The document should provide a complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire Project site, undertaken at the appropriate time of year. The DEIR should include the following information:

- a) CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.

- b) A thorough, recent floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). CDFW recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009²). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
- c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. CDFW's California Natural Diversity Data Base in Sacramento should be contacted at <https://www.wildlife.ca.gov/Data/BIOS> to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
- d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service.

RECOMMENDATION #2:

To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.

- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
- b) Discussions regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated

² Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

with the MSCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.

c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.

d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

RECOMMENDATION #3:

The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and vegetation communities. Mitigation measures should be consistent with requirements of the City's MSCP.

RECOMMENDATION #4:

In order to avoid impacts to nesting birds, the DEIR should require that clearing of vegetation, and when biologically warranted construction, occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. 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.

RECOMMENDATION #5:

Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

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 (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.

FILING FEES

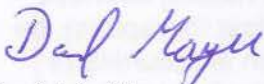
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 of a 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 Meredith Osborne, environmental scientist at (858) 636-3163 or Meredith.Osborne@wildlife.ca.gov.

Sincerely,



David A. Mayer
Environmental Program Manager
South Coast Region

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Patrick Gower, U.S. Fish and Wildlife Service