

## APPENDIX A

### **Summary of Public Review and Response to Comments Boden Canyon Ecological Reserve Land Management Plan and Mitigated Negative Declaration**

The draft Boden Canyon Ecological Reserve Land Management Plan (LMP) and associated CEQA documents including the draft Initial Study/Mitigated Negative Declaration (IS/MND) were circulated for public review from September 1-30, 2020.

The Notice of Intent was emailed to 22 and mailed to 65 members of the public, Tribes, agencies and interested organizations. The Notice was also posted on-site at Boden Canyon kiosks.

On 9/1/20 Draft LMP docs (including CEQA docs) posted on CDFW web page for [Land Management Planning](#).

Address for sending comments to: [BodenCanyonLMP@wildlife.ca.gov](mailto:BodenCanyonLMP@wildlife.ca.gov)

On 9/1/20 CEQA and LMP docs uploaded to State Clearinghouse (SCH) [CEQANet](#). Included Public Notice, Signed NOC with APN attachment, signed IS/MND, LMP plus Four Appendices, and the electronic submittal form.  
(SCH # 2020090030/4)

CDFW Website:

- The number of pageviews on the CDFW website for the LMP documents from September 1-30 was 151, and the number of unique pageviews was 60. The unique pageviews can be used as an indicator of visitors to the LMP page.
- From September 1-January 5, 2021 the number of pageviews was 196, and the number of unique pageviews was 85.

Between 9/1/20 – 9/30/20, Nine (9) comment letters were received (see below table). No comment letters were received after September 30, 2020.

In March 2021 the Final LMP and associated CEQA documents will have been posted on the CDFW website and filed with SCH:

LETTER ID NUMBER	DATE RECEIVED	FROM WHO	ORGANIZATION
1	9/18/20	Gary Brennan	San Diego County Wildlife Federation
2	9/28/20	Nate Northrup/Trish Boaz	San Dieguito River Valley Conservancy
3	9/29/20	Kevin McKernan	San Dieguito River Park JPA
4	9/28/20	Jacob Bayless	Calif Mountain Biking Coalition
5	9/28/20	Susie Murphey	San Diego Mountain Biking Association
6	9/29/20	Terry Jorgensen	Backcountry Horsemen of CA- San Diego Unit
7	9/30/20	Maurice Eaton/Mark McCumsey	California Department of Transportation District 11
8	9/30/20	Brian Jones/John Mendez	California Senator Brian Jones
9	9/30/20	Deborah Mosley/Eira Whitney	San Diego County Parks and Recreation Department

This document contains the nine public comment letters received. Each letter is followed by the CDFW Response to Comments for that letter.



09/15/2020

Letter 1

Tim Dillingham  
California Department of Fish and Wildlife  
South Coast Region - San Diego Office  
3883 Ruffin Road, San Diego, CA 92123  
Tim.Dillingham@wildlife.ca.gov

Subject: Boden Canyon Ecological Reserve Land Management Plan

Dear Tim Dillingham,

We, the member organizations of the San Diego County Wildlife Federation, have had a chance to review the LMP for Boden Canyon ER and would like to comment on the following:

#### Section IV, Management Goals, Tasks and Environmental Impacts

##### Section D: Public Use Elements: Goals, Tasks, and Impact Guidelines

##### 1. Hunting Element (Page 157-158)

comment  
1-A

a. **Goal 1.** Provide a safe and high-quality upland game bird hunting experience to the public. *Agree.*

comment  
1-B

b. **Goal 2.** Provide upland game bird hunting opportunities to the public by initiating the use of the Upland Game Bird Special Hunt Program or other programs. *Agree, however access and parking for the special hunt program is limited in the area and may not be a good idea. Boden Canyon ER is not ADA accessible. Access to Orosco Ridge Rd is dependent on the weather, road conditions and the numerous USFS closures. Access from Hwy 78 is a long walk into the ER and we wouldn't recommend leaving vehicles parked along the pullouts on Hwy 78 due to theft and vandalism.*

comment  
1-C

c. **Goal 3.** Conduct surveys for non-game (crow, coyote) and small game species to assess the potential for small and non-game hunting opportunities and /or management activities. *The Federation recommends that you match the hunting of non-game species to the opportunities within adjacent Cleveland National Forest due to lack of boundary markings and fencing in the area.*

d. **Goal 4.** Evaluate the potential for implementing a deer hunting program within the Reserve. *The Federation would recommend matching the deer hunting regulation to that of the D-16, G-13, A-22 or M-6 deer zones or to*

*that of DMU 510 due to lack of boundary signs and fencing. We would hate to see a hunter cited for recovering a deer which was shot in an authorized area of adjacent USFS land which then ran into the ER and died.*

**2. Trails Element Tasks (Page 161)**

- a. **#2.** Explore mutual land transactions for CDFW parcels R, S and T or other possible options with associated agencies or trail entities that may benefit the Coast to Crest Trail. *Would recommend adding "While maintaining right of road/trail access through parcels R, S, and T leading into the Boden Canyon ER."*

comment  
1-D

**E. Facility Maintenance Elements: Goals, Tasks and Impact Guidelines**

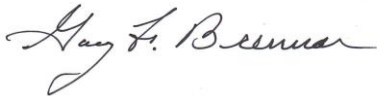
**2. Wells, Springs and Guzzlers (Page 162)**

- i. **Task 1.** *Coordinates / Locations of existing guzzlers are available from Quail Unlimited.*
- ii. **Task 4. ADD:** *Establish MOU's with existing and future NGO's (Quail Forever, San Diego County Wildlife Federation, etc.) to maintain and upgrade existing guzzlers and assist the Department in installing new guzzlers if the need is identified.*

comment  
1-E

Thank you for letting the San Diego County Wildlife Federation to submit inputs regarding the Boden Canyon Ecological Reserve LMP. We look forward to working with the Department and especially, the Region Five staff, as we move forward to having the California Fish and Game Commission's approve this land management plan.

Sincerely,



Gary F. Brennan  
President, San Diego County Wildlife Federation  
P.O. Box 3886  
Ramona, CA. 92065

Copy to:

Ed Pert

comment  
1-F

## **Comment Letter #1 San Diego County Wildlife Federation (SDCWF)**

Comment 1-A: Comment Noted

Comment 1-B: CDFW concurs with SDCWF, Access for any special hunt would be clearly evaluated prior to initiating it. Road improvements or other access enhancements would need to occur to make the Reserve ADA accessible. The LMP language has been modified to incorporate this (Ch IV, Sec D).

Comment 1-C: CDFW concurs that matching the adjacent Cleveland National Forest (CNF) with regards to hunting opportunities for upland game and potentially for deer (seasons, species, and methods of take) makes sense, however a regulation change package would need to be developed and submitted through the CDFW and Fish and Game Commission process for anything other than the current upland game hunting at the Reserve could occur.

Currently the full range of hunting opportunities on the CNF mentioned on the CNF web pages states it is “open to hunting in the pursuit of birds and game according to the current season and hunting regulations set by the Department of Fish and Game” (<https://www.fs.usda.gov/activity/cleveland/recreation/hunting> - accessed 10-27-20). So basically, all and any hunting opportunities that are in season at any given time of year in this location are authorized, unless CNF closures or special issues arise. The LMP language has been modified to incorporate this information on hunting opportunities on the CNF and the concept of opening hunting to all species and all legal methods of take within the Reserve. Please note, however, that the Reserve boundaries are clearly posted and that every hunter has the responsibility to know where they are hunting at all times.

Comment 1-D: CDFW concurs that if any land transactions with other entities occur for trail development or multiple use that involve any Reserve parcels, that access Right of Ways (ROWs) or easements would need to be agreed to and maintained. The LMP language has been modified (Ch IV, Sec 4).

Comment 1-E: Comment noted. MOUs with wildlife or other organizations to assist with maintenance are often beneficial, especially on properties where CDFW has limited staff for management and maintenance. An MOU opportunity can be evaluated.

Comment 1-F: Thank you for your support and submission of comments for the Boden Canyon ER LMP.



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comment  
2-B

September 28 , 2020

Tim Dillingham

California Department of Fish and Wildlife

Senior Environmental Scientist/ Southern Lands Program Supervisor

South Coast Region 5

3883 Ruffin Road

San Diego, CA 92123

Dear Mr. Dillingham:

The San Dieguito River Valley Conservancy (SDRVC) appreciates the opportunity to comment on the California Department of Fish and Wildlife's (CDFW) Draft Land Management Plan (LMP) for Boden Canyon Ecological Reserve (Reserve). The Draft LMP is a comprehensive plan that effectively outlines conservation and management of the Reserve.

The Draft LMP acknowledges that the Coast to Crest Trail (Trail) crosses the Reserve. The Trail was envisioned and planned over thirty years ago as a regional trans-county route for people to travel from the Pacific Ocean east to Volcan Mountain in Julian. Beginning between the cities of Del Mar and Solana Beach, the Trail heads east through the San Dieguito watershed, embracing the communities of Del Mar, San Diego, Fairbanks Ranch, Rancho Santa Fe, Rancho Bernardo, Del Dios, Escondido, Poway, San Pasqual Valley, Ramona, and Santa Ysabel, ending at the summit of Volcan Mountain.

Importantly, the Trail is planned, designed, constructed, and maintained as a multi-use trail to be enjoyed by hikers, equestrians, and bicyclists. Development, funding, and construction of the Trail has been achieved through a true partnership among the San Dieguito River Park Joint Powers Authority (JPA), the County of San Diego, several non-profit organizations, the business community, and citizens.

When completed, the Trail will span 70 miles - the longest trail in the coastal and foothill areas of southern California. Currently, 48 miles of the Trail, and 20 miles of community trails within the San Dieguito River Park, are enjoyed by people of all ages and abilities.

What greatly concerns the SDRVC is the CDFW's proposed prohibition of equestrians and bicyclists on a 0.7-mile section of the Trail within the Reserve. It is unreasonable and impractical to require equestrians and bikers to turn around near the halfway point in the Trail. While this 0.7-mile stretch of the Trail represents only 1% of its entire length, it is a critical link that, when opened, will fill a major gap in the Trail. Denying equestrians and bikers passage through the Reserve does not make sense and prevents the JPA and the SDRVC from completing the Trail for the benefit of all Trail users.

comment 2-C

We understand that the primary purpose of the CDFW is to protect the habitat and resources of the Reserve, a goal we share. However, the Draft LMP provides no evidence that use by equestrians and bicyclists will negatively affect or damage Reserve resources. Because Trail users are required and expected to remain on the Trail, we believe that equestrians and bicyclists will not have a measurable effect on the biological or cultural resources of the Reserve, consistent with CDFW mandates for stewardship of this area.

comment 2-D

Critically, if this prohibition continues, there is no practical alternative for these Trail users. A potential re-route around CDFW properties appears to be physically impossible to the south and will result in irreparable damage to habitat and habitat fragmentation, if attempted to the north. Both re-routes would be prohibitively costly. Instead, there is an established Trail alignment on an existing roadbed within the Reserve. The simplest solution is to allow this 0.7-mile section of the Trail to be used by hikers, bikers, and equestrians.

comment 2-E

The CDFW should allow equestrians and bikers to use the Trail within the Reserve and work with the Fish and Wildlife Commission to make this happen. Agencies should embrace common sense solutions to real world problems – this is one of those instances.

SDRVC thanks you for the opportunity to comment. We look forward to working with the CDFW to realize our shared vision of open space preservation for the enjoyment of all.

Sincerely,

*Nate Northrup*

Nate Northrup  
President

*Patricia Boaz*

Trish Boaz  
Executive Director

## **Comment Letter #2 San Dieguito River Valley Conservancy (SDRVC)**

Comment 2-A: Thank you for your comments and for the additional information on the Coast to Crest Trail. The new information was incorporated into the LMP (Ch 1 Sec E, p 15).

Comment 2-B: CDFW acknowledges your concern relative to the prohibition of equestrian and bicycle use on the Reserve. However, the current regulations specifically prohibit the use of both horses and bicycles; see Ch IV, Sec D in LMP, and see the California Code of Regulations (CCR), Title 14, Section 550, (<https://govt.westlaw.com/calregs/Search/Index>). These uses are not compatible with the purpose of an ecological reserve as stated in Fish and Game Code (FGC) section 1580 (<http://leginfo.legislature.ca.gov/faces/codes.xhtml>).

Literature on trail use and degradation from the 1970's to more current studies describes trail use by horses can compact the soil to a level where runoff and erosion can increase, exacerbating an already severe erosion condition on the Reserve. In addition, the current limited parking at the entrance along Highway 78 does not safely or logistically allow room for horse trailers. The LMP has been revised to include more on this topic (Ch IV Sec D4).

Comment 2-C: CDFW disagrees with you that the LMP does not provide any evidence that use of bicycles has a negative affect or damages the Reserve resources. Evidence of damage by bicycles or motorcycles is documented in the LMP in Section D, pages 156-157. This section of the LMP has been supplemented (Ch IV Sec D4) to include more information as is stated below.

Note the photographs on page 157 in the LMP that depict random bike jumps and illegal trails. The creation and continued illegal use of these trails and the main road in the Reserve has caused erosion, soil compaction, vegetation removal and exacerbates both site management and security issues.

Some bike riders leave existing trails, regardless of posted rules. They sometimes clear vegetation to create new trails that are often steep and highly erodible, and construct bike jumps by piling up dirt or by cutting trunks out of multi-trunk trees. CDFW has limited warden staff to cover all the land within the state of California, including patrolling all the CDFW properties. It is not feasible for CDFW to provide the intensive enforcement and sign replacement that would be required, in perpetuity, to successfully prevent off-trail bike riding on Boden Canyon Ecological Reserve. Additionally, the cost for erosion control and habitat restoration necessitated by off-trail bicycle use would reduce already limited resources for existing habitat management, restoration, and



resource monitoring on this and other properties in CDFW's South Coast Region. In some cases, the full habitat value of damaged or removed trees and shrubs could require decades to replace.

Additionally, the soil types in the Reserve are known to be highly erodible as discussed on page 157 and in Chapter II, B 2 of the LMP. As such, any trails that are determined in the future to be necessary within the Reserve would be evaluated for their location and the erosive nature of the soil prior to developing them and would be engineered to limit erosion and not exacerbate soil stability.

Currently no trails are planned by CDFW to be constructed in the Reserve. Maintenance of the existing dirt road will occur (see Chapter IV, Section E. 4 of the LMP) in order to continue with the safe and authorized use of vehicles for management, enforcement and emergency situations.

Comment 2-D: CDFW understands the local desire to complete a Coast to Crest Trail in this area. The potential for this regional open space and trail system was acknowledged in the acquisition documents for the property in 1997. CDFW is open to continuing discussions that began many years ago regarding a future land swap or land transaction that would enable SDRVC (or the County, City of San Diego or SDRP JPA) to assess, design, develop and manage a trail that is desirable to SDRVC and the public. See page 163-164 of the LMP that discusses the CTC and this future option. The main point of discussion with any entity would be the actual trail alignment; the current trail proposals are not in alignment with the existing dirt road through the Reserve. (See more on this topic in Response to Comment 3-C).

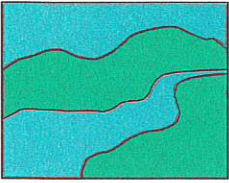
Comment 2-E: See Response to Comment 2-B. Additionally, the process to modify or propose new CDFW land regulations comes about periodically. At those times, any regulation changes CDFW is planning would be presented to the Fish and Game Commission requesting those proposed changes. CDFW Staff would work with Headquarters Wildlife Branch in this effort. However, any regulation change would need to be consistent with Department policy and the purpose and need for which the Reserve was acquired. Substantial reasoning and justification would need to be paramount. Additionally, there is a process for the members of the public to submit a petition to propose a change to the regulations which can be found on the Fish and Game Commission's website (<https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>).

[Fish and Game Code, Division 2, Chapter 5, Article 4. Ecological Reserves \[1580 - 1587\]](#)

[California Code of Regulations, Title 14, Section 630 regarding the current rules and regulations for Ecological Reserves](#)

[California Code of Regulations, Title 14, Section 550 regarding the current rules and regulations for all CDFW lands](#)

This information was added to the LMP in Chapter IV, Section D.



San Dieguito River Park  
Joint Powers Authority  
18372 Sycamore Creek Road  
Escondido, CA 92025  
(858) 674-2270 Fax (858) 674-2280  
www.sdrp.org

September 29, 2020

Tim Dillingham  
California Department of Fish and Wildlife  
3883 Ruffin Road  
San Diego, CA 92123

**RE: Comments on Boden Canyon Ecological Reserve  
Draft Land Management Plan and CEQA Initial Study**

Dear Mr. Dillingham:

The San Dieguito River Park Joint Powers Authority (JPA) advocated for the preservation of Boden Canyon and supported CDFW's purchase of the property in 1998 and 1999. The Boden Canyon Ecological Reserve and surrounding publicly-owned open space represent a substantial part of a 55-mile long open space corridor that makes the San Dieguito River Park. Shortly after CDFW purchased this property, CDFW actively partnered with JPA on an effort to create an interagency land management plan covering the entire Boden Canyon area including lands owned by the County and City of San Diego. The JPA led a committee of stakeholders and property owners to develop management objectives for protection and management of the open space preserve including limited public recreational access. Unfortunately the interagency committee was disbanded in 2001, and despite repeated attempts to reach out to CDFW staff over the years, no progress on a coordinated LMP was made. Unfortunately, this draft LMP excludes a major component of publicly-supported recreational access, the regional multi-use Coast to Crest Trail.

The Coast to Crest Trail is a planned 71-mile long multi-use trail, 48 miles of which is completed. The CTC Trail is a recognized regional trail in the San Dieguito River Park Concept Plan, County's Trails Master Plan, City of San Diego's draft Master Parks Plan, and California Recreational Trails Plan. Unfortunately, this LMP is inconsistent with these adopted public access plans and dismisses the CTC Trail as "problematic".

Most recently, three miles of CTC Trail was added in Pamo Valley approximately three miles east of Boden Canyon linking two nearby Forest Service trails. The Pamo segment links the Upper and Lower Santa Ysabel trails representing 12 miles of contiguous Coast to Crest Trail. The Lower Santa Ysabel Trail has been in use for decades. The westernmost 0.7 mile of this trail goes through the southern parcels (R and S) of the Boden Canyon ER on an existing dirt road ending at Highway 78. However, because bicycle and equestrian use is considered illegal trespass by CDFW, public access restrictions imposed by CDFW over the past twenty years block the ability to continue the CTC Trail into San Pasqual Valley.

The unenforced and impractical rule prohibiting bikes and equestrians on the existing trail and requiring a land pass through the southern edge of the ER effectively precludes the CTC Trail



comment 3-D cont'd

from continuing west past Boden Canyon. These restrictions are incompatible with long-standing recreational use of the existing Lower Santa Ysabel Trail on adjacent City and Forest Service land and effectively represent a roadblock to the CTC Trail.

comment 3-E

The draft LMP states that the CTC Trail would be allowed "only if it is not in conflict with the primary goals of this LMP", and that "this may be problematic due to CDFW regulations that prohibit equestrian and bicycle use in the Reserve". The existing trail avoids the sensitive portions of the Boden Canyon ER and is separate from the rest of the CDFW ownership further north in Boden Canyon. The wide trail easily accommodates all three user groups without impacting surrounding land. Trail users are expected and required to stay on the trail. It would be far more costly and impactful to the surrounding habitat to reroute the trail around the CDFW parcels something that is not mentioned in the LMP or IS. Proper management of the existing trail would prevent trespass into other parts of the ER and into sensitive habitat.

see comment 3-D

Although the JPA does not object to the land pass requirement for Boden Canyon itself, the rule is impractical for the southern parcels of the ER considering trail users enter from the existing Lower Santa Ysabel Trail and only briefly enter the CDFW ownership. Most trail users do not recognize the ownership change and are not likely to know that a land pass is required. The requirement is unenforceable and represents an unfair burden on trail users.

comment 3-F

Goal #2 of the draft LMP Trails section (page 161) states that CDFW "will work with" agencies including the JPA on a potential CTC connector trail in the southern part of the Reserve. Yet since 2000, CDFW has not worked cooperatively with the JPA to permit legal use of the CTC Trail for bikes and horses on the 0.7-mile long existing trail. Unfortunately, no progress to work with agencies has been made in over 20 years.

comment 3-G

Section 2.7 of the Initial Study and the discussion regarding Transportation/Circulation (XVII, page 60) is inaccurate and ignores the conflict between the draft LMP and local and statewide transportation (circulation) plans. The LMP policy of prohibiting bikes and horses on the Lower Santa Ysabel Trail through the southern portion of the ER is in direct conflict with the three approved and adopted trail plans mentioned above.

comment 3-H

Ideas for a land swap or lifting trail restrictions on the southern parcels have never been seriously considered. These things were discussed again between JPA and CDFW staff in 2017 when CDFW resumed work on the draft LMP. We urge you to resolve this issue with the Fish and Wildlife Commission so that the CTC Trail is secure through this area and plans to continue the CTC Trail into San Pasqual Valley can resume. We hope that talks between our agencies to work out a solution will be resurrected soon.

Thank you for the opportunity to comment.

Sincerely,



Kevin McKernan  
Executive Director

### **Comment Letter #3 San Dieguito River Park JPA (SDRP JPA)**

Comment 3-A: Thank you for your comments and for the additional information on the SDRP JPA. This was added to the LMP Ch1 Sec E.

Comment 3-B: CDFW is complying with its internal policy to develop a Land Management Plan despite multiple efforts to coordinate “on-the-ground” land management tasks and the completion of a coordinated LMP with the City and County. See Chapter I of the LMP where this is discussed.

Comment 3-C: See Response to comment 2-A. Additionally, your letter states that “The westernmost 0.7 mile of this trail goes through the southern parcels (R and S) of the Boden Canyon ER on an existing dirt road ending at Highway 78.” There is no prohibition against pedestrian use in the Reserve. This existing dirt road mentioned in your letter is not designated as a component of any trail system, nor is it safe or engineered for any public use beyond pedestrian. Please also remember that all users need to be aware of safety while in remote areas, including the Reserve. Erosion gullies, landslides, fallen trees, fallen boulders, wildfire, flash flooding, snakes and other potentially harmful situations can occur on any given day.

The [trail map for Coast to Crest Trail at San Pasqual Valley](#) was reviewed and the imagery used for the [proposed trail was from 2020](#) does not show the existing dirt road as the proposed SDRP trail alignment. It shows the same alignment proposed many years ago located in the bottom of the Santa Ysabel Creek drainage and through existing riparian habitat. This habitat is suitable for two endangered species, the arroyo toad and the least Bell’s vireo. CDFW is not interested in any trail that could adversely affect any listed or sensitive species or their habitats. Please see the revised LMP where this is discussed (Ch IV, Sec D).

CDFW has recently received a hydrology and hydraulic report (CValdo Corporation, 2021) that can be utilized in future budgetary and contract documents for necessary, and significant, culvert and road repairs for management, enforcement and emergency vehicles in Parcels R and S, and elsewhere in the Reserve. The LMP has been modified to include the recent erosion studies and how the results could be used for future road maintenance projects (see Ch II B 5 and Ch IV E 4).

Comment 3-D: We disagree that the lands pass program puts an unfair burden on trail users. The lands pass program was created by the State Legislature in 1988 with the adoption of the Native Species Conservation and Enhancement Act. There was recognition that CDFW needed additional funds to manage its lands, most of the existing funding was provided by hunters, and the lands were used by many people who were

not hunters. The lands pass was developed as a means for all users to contribute to the conservation of the lands they enjoy (Fish and Game Code Sections 1764 and 1765) and they cost far less than what hunters pay in required fees and the federal excise taxes on hunting equipment that goes to state wildlife agencies.

Since 1988, the Lands Pass has only been required at six CDFW properties. In 2012, the Legislature adopted Fish and Game Code Section 1745 which required including additional properties in the lands pass program for the same reasons as the earlier legislation. Properties are added to the lands pass program through the adoption of regulations. Boden Canyon, along with other properties, was added to the lands pass program in 2016 (California Code of Regulations, Title 14, Section 630(c)).

A lands pass is required for each visitor who is 16 or older unless they are carrying a valid hunting, trapping, or fishing license (including reduced fee or free licenses described under “[General Licensing Information](#)”). In 2020, a one-day lands pass costs \$4.58 and an annual lands pass costs \$26.48. For more information about lands passes and how to purchase them online, by phone or in-person; go to the [CDFW Lands Pass website](#). See revisions to the LMP in Ch IV Section D.

Comment 3-D includes the statement that the lands pass is unenforceable. It is probably as enforceable as a rule that requires visitors to stay on the trail, but with less negative consequences for the property and public safety than sometimes occurs when visitors leave the trail. CDFW prioritizes posting of our boundaries, especially where a trail or road bisects that boundary, however signs are often vandalized or removed faster than they can be replaced.

Comment 3-E: See Responses to Comments 2-C and 3-C.

Comment 3-F: See Response to Comment 2-D and 3-C. Additionally, CDFW has not received any request from the City or the County in regards to pursuing a permit, an easement or any land transaction proposal that would enable legal multiple use of the existing dirt road in the Reserve as a section of the CTC Trail on CDFW property. Despite this, CDFW met with the City and the County and proposed the concept of a land swap as recently as 2017, and is currently discussing options with State Senator Brian Jones. While not from the City or County, CDFW did, however, receive a letter from the JPA in 2011 that requested CDFW designate the existing dirt road as a “segment of the Coast to Crest Trail”, and it also requested that CDFW grant them permission for the trail to cross CDFW property. The proposed trail in 2011 and the current proposed trail per the SDRP web site are not the same as the existing dirt road in the Reserve. The various proposals and the existing dirt road need to be thoroughly evaluated and depicted on

one map and/or in aerial photographs or imagery format to show the overlaps, differences, and desired trail alignment.

CDFW has not designated any dirt road within the Reserve as a segment of any trail system, including the CTC, because horse and bicycle uses are not currently allowed. Pursuant to existing regulations pedestrians are permitted to hike within the Reserve. This has not changed and has been the case since Boden Canyon was designated an Ecological Reserve in 2000. While CDFW's preference is to work with a public agency such as the City or County on a land transaction, CDFW would be willing to re-open discussions about the potential for a land transaction for the CTC Trail with the JPA.

Please contact South Coast Region staff and management to reinitiate discussions on this topic.

Comment 3-G: Section 2.7 of the IS/MND was modified to incorporate information about the other regional trail plans mentioned in your letter, the San Dieguito River Park Concept Plan, the County's Trails Master Plan, and the City's draft Master Parks Plan and the California Recreational Trails Plan. While the Plans themselves may be approved and/or adopted, the *currently proposed* trail alignment within the Reserve is not acceptable and further discussions and trail planning will be needed. See Response to Comment 3-C for more on this specific aspect.

Comment 3-H: See Comments 2-C, 2-D, 3-C and 3-F.



Tim Dillingham  
California Department of Fish and Wildlife  
Senior Environmental Scientist/Southern Lands Program  
Supervisor South Coast Region 5  
3883 Ruffin Road  
San Diego, CA 92123

September 30, 2020

Subject: Boden Canyon DRAFT ER Land Management Plan

Dear Mr. Dillingham:

On behalf of mountain bikers and other trail users throughout California, we thank you for the opportunity to comment on the California Department of Fish and Wildlife's (CDFW) Draft Land Management Plan (LMP) for Boden Canyon Ecological Reserve.

comment  
4-A

The California Mountain Biking Coalition (CAMTB) is a 501c(4) nonprofit providing a unified statewide voice for organizations and individuals who believe in increasing and improving trail access for off-road cycling throughout California.

comment  
4-B

The draft LMP excludes a major component of publicly-supported recreational access, the regional multi-use Coast to Crest Trail. The Coast to Crest Trail is a planned 71-mile long multi-use trail, 48 miles of which is completed. The CTC Trail is a recognized regional trail in local and state trail plans including the San Dieguito River Park Concept Plan, the County's Trails Master Plan, the City of San Diego's draft Master Parks Plan, and the California Recreational Trails Plan. This LMP is inconsistent with these adopted public access plans.

Most recently, three miles of CTC Trail was added in Pamo Valley approximately three miles east of Boden Canyon linking two nearby Forest Service trails. The Pamo segment links the Upper and Lower Santa Ysabel trails representing 12 miles of contiguous Coast to Crest Trail. The Lower Santa Ysabel Trail has been in use for decades. The westernmost 0.7 mile of this trail continues through the southern parcels (R and S) of the Boden Canyon ER on an existing dirt road ending at Highway 78. However, because bicycle and equestrian use of the trail is considered by CDFW as illegal trespass, that and other public access restrictions imposed by CDFW over the past twenty years, block the ability to continue the CTC Trail into San Pasqual Valley.



On page 155 is it posed "Pedestrians have better control of where they are walking and can see potential hazards; however, bicyclists or motorcyclists can reach speeds that may cause them to veer to an unstable area. This can be a danger to themselves and other Reserve visitors."

This language is biased and does not reflect what happens on the miles of multi-use trails in the County and across the state. As most trails in San Diego County are designated as multi-use, there is also no data to cite that mountain bikers cause unsafe encounters with hikers when trail design, information and education, user involvement, and regulations and enforcement are implemented effectively.

Regarding erosion concerns, most studies suggest that soil impacts due to site location, soil type, and landscape characteristics have more potential to affect soils than the specific use. Erosion in most cases is due to poor trail design and management. The erosion cited at gates and other areas would be eliminated by allowing for multi-use access and implementing sustainable trail design for this use.

The draft LMP states that the CTC Trail would be allowed "only if it is not in conflict with the primary goals of this LMP, the rules and regulations of the Reserve....", and that "this may be problematic due to CDFW regulations that prohibit equestrian and bicycle use in the Reserve".

The existing trail avoids the sensitive portions of the Boden Canyon ER and is disconnected from the rest of the CDFW ownership further north in Boden Canyon. The trail which follows an old roadbed represents an existing use that does not impact resources or habitat. The existing trail is wide and easily accommodates all three user groups without impacting the surrounding land. Proper management of the trail would prevent trespass into other parts of the ER and into the sensitive habitat.

Goal #2 of the draft LMP Trails section (page 161) states that CDFW "will work with" agencies including the JPA on a potential CTC connector trail in the southern part of the Reserve. Yet since 2000, CDFW has not worked cooperatively with the JPA to permit legal use of the CTC Trail for bikes and horses on the 0.7-mile long existing trail. We strongly urge CDFW to fulfill its stated commitment of working with other agencies and the County of San Diego on a solution.

Section 2.7 of the Initial Study and the discussion regarding Transportation/Circulation (XVII, page 60) ignores the conflict between the draft LMP and local and statewide transportation (circulation) plans. The LMP policy of prohibiting bikes and horses on the Lower Santa Ysabel Trail through the southern portion of the ER is in direct conflict with the three approved and adopted trail plans mentioned above.



We strongly urge CDFW to amend this LMP to allow for access for equestrians and cyclists. We also urge CDFW to work with the community and partner agencies so this vital connection for our County can be opened for more visitors to enjoy.

Thank you for the opportunity to provide these comments.

Sincerely,

*Jacob Bayless*

Jacob Bayless  
President, California Mountain Biking Coalition  
Jake@CAMTB.org

#### **Comment Letter #4 California Mountain Biking Coalition, (CAMTB)**

Comment 4-A: Thank you for your comments and information on your organization.

Comment 4-B: See Response to Comment 3-C.

Comment 4-C: Comment noted. The LMP (Ch IV D4) was modified to provide additional information on literature found about trail users.

Comment 4-D: See Response to Comment 2-C. The erosion cited at gates was due to illegal entry by bicycles and/or motorcycles; the comment that such erosion would be eliminated if multi-use access was available elsewhere cannot be substantiated or predicted. CDFW has not seen any study results from the City, County or JPA regarding sustainable trail designs, the specific soil conditions and potential for erosion on the proposed CTC in the vicinity of the Reserve.

Comment 4-E: See Response to Comment 3-E

Comment 4-F: See Response to Comment 3-F.

Comment 4-G: See Responses to Comments 3-C and 3-G.

Comment 4-H: See Response to Comment 2-D.



California Department of Fish and Wildlife  
Tim Dillingham  
South Coast Region 5  
3883 Ruffin Road  
San Diego, CA 92123

September 29, 2020

Subject: Boden Canyon DRAFT ER Land Management Plan

Dear Mr. Dillingham:

comment 5-A

Thank you for the opportunity to comment on the Boden Canyon ER Land Management Plan. The San Diego Mountain Biking Association (SDMBA), founded in 1994, is the leading trail advocacy organization in the County. Our mission is to improve trail access for mountain biking in San Diego County. Our board of directors and our 1400 members are always focused on the issue of trail connectivity throughout the County. To that end, we submit the comments below.

comment 5-B

The draft LMP excludes a major component of publicly-supported recreational access, the regional multi-use Coast to Crest Trail. The Coast to Crest Trail is a planned 71-mile long multi-use trail, 48 miles of which is completed. The CTC Trail is a recognized regional trail in local and state trail plans including the San Dieguito River Park Concept Plan, the County's Trails Master Plan, the City of San Diego's draft Master Parks Plan, and the California Recreational Trails Plan. This LMP is inconsistent with these adopted public access plans.

comment 5-C

Most recently, three miles of CTC Trail was added in Pamo Valley approximately three miles east of Boden Canyon linking two nearby Forest Service trails. The Pamo segment links the Upper and Lower Santa Ysabel trails representing 12 miles of contiguous Coast to Crest Trail. The Lower Santa Ysabel Trail has been in use for decades. The westernmost 0.7 mile of this trail continues through the southern parcels (R and S) of the Boden Canyon ER on an existing dirt road ending at Highway 78. However, because bicycle and equestrian use of the trail is considered by CDFW as illegal trespass, that and other public access restrictions imposed by CDFW over the past twenty years, block the ability to continue the CTC Trail into San Pasqual Valley.

comment 5-D

The rule prohibiting bicycles and equestrians on the existing trail and requiring a land pass through the southern edge of the ER effectively precludes the CTC Trail from continuing west past Boden Canyon. These restrictions are incompatible with long-standing recreational use of the existing Lower Santa Ysabel Trail on adjacent City and Forest Service land and effectively represent a roadblock to the CTC Trail.

On pages 34 and 155 of the DRAFT LMP, mountain biking is mentioned together with motorcycle use and is blamed for causing erosion and for causing unsafe encounters with

P.O. Box 881491, San Diego, CA 92168

SDMBA.com 501(c)3 #10-1701837



comment  
5-D cont'd

hikers. Motorized use and mountain biking access should not be lumped together in a plan such as this as they are generally always managed separately.

In most cases, the perception of negative interactions on multi-use trails is just that. There is no research available or cited that is relevant regarding perceived social impacts in this area. The one citation that addresses mountain biking [Cessford, G.R. 1995. *Mountain biking impacts and rider preferences. Proceedings of the New Zealand Recreation Association Conference*, Mt. Cook, New Zealand (pp. 61-71)] is out of date.

comment  
5-E

A more recent study by the same author summarizes "Walker opinions are surprisingly positive toward bikes. These opinions are found to be more positive among those walkers who had actual encounters with bikes. By contrast, more negative opinions were found among those who had no such encounters." Cessford, G.R. 2003. *Perception and reality of conflict: Walkers and mountain bikes on the Queen Charlotte Track in New Zealand*

On page 155 is it posed "Pedestrians have better control of where they are walking and can see potential hazards; however, bicyclists or motorcyclists can reach speeds that may cause them to veer to an unstable area. This can be a danger to themselves and other Reserve visitors."

This language is biased and does not reflect what happens on the miles of multi-use trails in the County. Signage, education, speed limit regulations all are effective strategies to minimize social conflicts on trails. As most trails in San Diego County are designated as multi-use, there is also no data to cite that mountain bikers cause unsafe encounters with hikers when trail design, information and education, user involvement, and regulations and enforcement are implemented effectively.

comment  
5-F

Regarding erosion concerns, more recent studies have shown there is no statistically significant difference between biking and hiking, and both are less impactful than horses. Erosion in most cases is due to poor trail design and management. The erosion cited at gates and other areas would be eliminated by allowing for multi-use access and implementing sustainable trail design for this use.

comment  
5-G

The draft LMP states that the CTC Trail would be allowed "only if it is not in conflict with the primary goals of this LMP, the rules and regulations of the Reserve....", and that "this may be problematic due to CDFW regulations that prohibit equestrian and bicycle use in the Reserve".

The existing trail avoids the sensitive portions of the Boden Canyon ER and is disconnected from the rest of the CDFW ownership further north in Boden Canyon. The trail represents an existing use that does not impact resources or habitat. The existing trail is wide and easily accommodates all three user groups without impacting the surrounding land. Proper management of the trail would prevent trespass into other parts of the ER and into the sensitive habitat. The cyclists that would want to use this vital connection are passing through on longer trans country rides and are not lingering in the area.



**San Diego  
Mountain Biking  
Association**

comment  
5-H

The Land Pass requirement rule is impractical for the southern parcels of the ER considering trail users enter from the existing Lower Santa Ysabel Trail and only briefly pass through the CDFW ownership. Most trail users do not recognize the ownership change and are not likely to know that a land pass is required. The requirement is unenforceable and represents an unfair burden on trail users.

comment  
5-I

Goal #2 of the draft LMP Trails section (page 161) states that CDFW "will work with" agencies including the JPA on a potential CTC connector trail in the southern part of the Reserve. Yet since 2000, CDFW has not worked cooperatively with the JPA to permit legal use of the CTC Trail for bikes and horses on the 0.7-mile long existing trail. We strongly urge CDFW to fulfill its commitment of working with other agencies and the County of San Diego on a solution.

comment  
5-J

Section 2.7 of the Initial Study and the discussion regarding Transportation/Circulation (XVII, page 60) ignores the conflict between the draft LMP and local and statewide transportation (circulation) plans. The LMP policy of prohibiting bikes and horses on the Lower Santa Ysabel Trail through the southern portion of the ER is in direct conflict with the three approved and adopted trail plans mentioned above.

comment  
5-K

We strongly urge CDFW to work with the community and partner agencies so this vital connection for our County can be opened for more citizens and visitors to enjoy.

Thank you for the opportunity to provide these comments.

Sincerely,

Susie Murphy  
Executive Director  
executivediretor@SDMBA.com

---

P.O. Box 881491, San Diego, CA 92168

SDMBA.com 501(c)3 #10-1701837

## **Comment Letter #5 San Diego Mountain Biking Association (SDMBA)**

Comment 5-A: Thank you for your comments and information on your organization.

Comment 5-B: See Response to Comment 3-C.

Comment 5-C: See Response to Comment 3-D.

Comment 5-D: Comment noted. The LMP was modified to better differentiate between bicycles and motorcycles (see Ch IV Section D).

Comment 5-E: See Response to Comment 4-C.

Comment 5-F: See Response to Comments 2-C and 4-D.

Comment 5-G: See Response to Comment 3-E.

Comment 5-H: See Response to Comment 3-D.

Comment 5-I: See Response to Comment 3-F.

Comment 5-J: See Response to Comment 3-G.

Comment 5-K: See Response to Comment 2-D.

Dear Mr. Dillingham,

Sept 29, 2020

The email letter is to comment on the draft notice of the Boden Canyon ER Management Plan and the allowed usage of the public land to all of the land user groups. The 71 mile long multi use Coast to Crest trail has been planned and approved by various public land agencies including San Dieguito River Park Concept Plan, the County's Trails Master Plan, the City of San Diego's draft Master Parks Plan and the California Recreational Trails Plan. The Coast to Crest Trail traverses only 0.7 mile in section R and S of the studied area. There is an existing and currently in use trail in place that is not in any sensitive plant or wildlife area. California Fish and Wildlife states they are agreeable to working with all public agencies and yet have not communicated with the surrounding land managers but are excluding 2 of the largest trail user groups, bicycle riders and equestrians, from access to 71 miles of trail due to a 0.7 mile section. Your document also states in XVI-Recreation, No Impact on the project with increased use of existing neighborhood or regional parks or other recreational facilities ..... The current 0.7 mile dirt road trail that is existing should therefore be maintained as a multi use trail and we are opposed to restricting the use to both bicycle riders and equestrians.

As the Public Lands Liaison for Backcountry Horsemen of California, San Diego unit I support multi use trails on all public land. Our organization has collaborated with many different land managers, provided trail education with our Wilderness Riders Leave No Trace Programs, provided ongoing substantial trail maintenance on Federal, State, County and City trails throughout San Diego County.. We also provide the extra eyes and ears in the remote areas to assist the land manager in the security of the trail and the habitat.. We would be available to assist with the maintenance of this trail in the future.

Respectfully,

Terry Jorgensen, Public Lands Chair  
Backcountry Horsemen of CA—San Diego Unit  
[www.bchcsd.com](http://www.bchcsd.com)



## **Comment Letter #6 Backcountry Horsemen of CA**

Comment 6-A: See Response to Comment 3-C

Comment 6-B: See Response to Comment 2-D. Additionally, during the process to designate Boden Canyon as an Ecological Reserve, any and all agencies and user groups had the opportunity to review and comment on the designation and the proposed regulations. In September of 2000, a stakeholder meeting was held where CDFW solicited comments on issues to be included in the LMP being drafted at that time. (See Ch 1 of the LMP). Then again in 2017, during preparation of this current draft LMP, CDFW reached out to interested parties, the surrounding landowners, including Cleveland National Forest, the City of San Diego, the County of San Diego, and the SDRP JPA. The issues and comments from the 2000 stakeholder meeting were used as well in the development of this current draft LMP.

Comment 6-C: See Response to Comments 3-C and 3-G. Additionally, please note that the CDFW and Fish and Game Commission process that resulted in the adoption of the current regulations for the Reserve was indeed a public process. See Chapter IV, Section D of the LMP that discusses the current regulations and allowable public uses. In the IS/MND, Section XVI-Recreation is accurate as stated. XVII has been modified.

Comment 6-D: See Chapter IV, Section E. 4 (Roads and Culverts) of the LMP that discusses road maintenance within the Reserve. Also see Chapter V of the LMP for Operation and Maintenance Summary for the Reserve.

Comment 6-E: Thank you for the information on your organization and your offer to assist the CDFW land manager in site security and in trail maintenance. See Response to Comment 1-E.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
PHONE (619) 688-6075  
FAX (619) 688-4299  
TTY 711  
www.dot.ca.gov



Making Conservation  
a California Way of Life.

September 30, 2020

11-SD-78  
PM 30.88

Boden Canyon Ecological Reserve Land Management Plan  
MND/SCH# 2020090030

Mr. Tim Dillingham  
Senior Environmental Scientist/ Southern Lands Program Supervisor  
Department of Fish and Wildlife  
South Coast Region  
State of California  
3883 Ruffin Road,  
San Diego, CA 92123

Dear Mr. Dillingham:

comment  
7-A

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Mitigated Negative Declaration (MND) (SCH# 2020090030) to the Boden Canyon Ecological Reserve Land Management Plan. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with Caltrans' mission and state planning priorities.

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' Right of Way (R/W) through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for impacts within Caltrans' R/W.

comment  
7-B

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, the CEQA determination or exemption.

The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

Caltrans recommends that this project specifically identifies and assesses potential impacts to the natural environment, infrastructure, in this case, the highway and appurtenant features (lighting/signs/guardrail) caused by the project or impacts from mitigation efforts that occur within Caltrans R/W.

Caltrans has the following comments:

### **Environmental**

**BIOLOGY** – Should the Department of Fish and Wildlife need to apply for an encroachment permit, you should specifically call out any impacts to biological resources within Caltrans R/W.

**HAZARDOUS WASTE/MATERIALS** –

Aerially Deposited Lead (ADL): A hazardous waste concern for this project is ADL. Elevated levels of ADL are common in the soil adjacent to State highways and can also be found underneath some existing road surfaces due to past construction activities. ADL is usually found within 30 feet of the edge of the pavement and within the top six inches of the soil. In some cases, the lead is as deep as two to three feet below the surface. The Department of Toxic Substances Control (DTSC) sets regulatory thresholds for lead in soil, based on risk assessment work performed by CalEPA's Office of Environmental Health Hazard Assessment (OEHHA). It is the Applicant/Permittee's responsibility to comply with the DTSC ADL requirements for roadway soil management.

Noise: The project Draft IS/MND Section XIII – Noise has satisfied the requirements to evaluate and address noise impacts from the proposed development.

Air Quality: The project Draft IS/MND Section III – Greenhouse Gas Emissions have satisfied the requirements to evaluate and address air quality impacts from the proposed development.

comment  
7-B  
continued

comment  
7-C

comment 7-D

It is possible that conditions could vary between or beyond the data evaluated. Caltrans Environmental Engineering makes no other representation, guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

It should be recognized that definition and evaluation of geologic and environmental conditions are difficult and inexact science. Judgments leading to conclusions and recommendations are generally made with incomplete knowledge of the subsurface conditions present due to the limitations of data from field studies. Although risk can never be eliminated, more-detailed and extensive studies yield more information, which may help understand and manage the level of risk.

#### WILDFIRE PROTECTION –

comment 7-E

The Fire Hazard Severity Zone is classified as Very High. Water for fire prevention is onsite or nearby (6.7 to 7.0 miles). Working to maintain existing native, less fire prone vegetation, by controlling the nonnative grasses in the understory by manual or mechanical fuels reduction methods with chemical applications as needed for fire prevention.

#### Hydrology

comment 7-F

Any modification to the existing drainage and increased runoff to Caltrans facilities will not be allowed.

#### Right-of-Way

comment 7-G

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts within the Caltrans's R/W, and any corresponding technical studies.

Mr. Tim Dillingham  
September 30, 2020  
Page 4

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Mark McCumsey, of the Caltrans Development Review Branch, at (619) 985-4957 or by e-mail sent to [mark.mccumsey@dot.ca.gov](mailto:mark.mccumsey@dot.ca.gov).

Sincerely,

**electronically signed by**

MAURICE EATON, Branch Chief  
Local Development and Intergovernmental Review Branch

## **Comment Letter #7 California Department of Transportation (Caltrans)**

Comment 7-A: Thank you for comments and information on your agency.

Comment 7-B: CDFW is not planning or proposing any project that would require an Encroachment Permit from Caltrans, nor is CDFW planning or proposing any project within a Caltrans' Right of Way. The Department recognizes that we would be required to obtain an Encroachment Permit in order to work within the Caltrans ROW.

Comment 7-C: Thank you for the comment that Sections XIII and III of the IS/MND satisfy the noise and air quality impacts, respectively.

Comment 7-D: Thank you for your disclaimer and suggestions on additional studies.

Comment 7-E: Comment noted. See pp.49-51 of the LMP where there is a discussion of the need to control and remove invasive species, including non-native grasses. CDFW has a robust program for non-native plant control.

Comment 7F: CDFW is not planning or proposing any project where an increase in runoff would occur to Caltrans' facilities.

Comment 7-G: See Response to Comment 7-B.

## California State Senate

SENATOR BRIAN W. JONES  
THIRTY-EIGHTH SENATE DISTRICT

September 30, 2020

California Department of Fish and Wildlife  
Tim Dillingham  
South Coast Region 5  
3883 Ruffin Road  
San Diego, CA 92123

Subject: Boden Canyon Ecological Reserve Draft Land Management Plan

Dear Mr. Dillingham:

I am writing to request the California Department Fish and Wildlife revise the draft Land Management Plan (LMP) for Boden Canyon to allow multi-use access or, at a minimum, add language specifying that they will work with all partners (SDRP JPA, County of San Diego, City of SD) to explore a potential solution for a trail route in Boden Canyon that was committed to in 2001. The old roadbed alignment along Boden Canyon from Pamo Valley to Highway 78 is a crucial connector for the Coast to Crest Trail. Going forward, it is important that the LMP make every attempt to provide the widest public recreational opportunities possible.

More specifically, the rule prohibiting bicycles and equestrians on the existing trail and requiring a land pass through the southern edge of the ecological reserve effectively precludes the CTC Trail from continuing west past Boden Canyon. These restrictions are incompatible with long-standing recreational use of the existing Lower Santa Ysabel Trail on adjacent City and Forest Service land and effectively represent a roadblock to the CTC Trail. The existing trail is wide and easily accommodates all three user groups (hikers, mountain bikers, and equestrians) without impacting surrounding land.

I request that CDFW adhere to the broadest publicly-supported recreational access for the regional multi-use Coast to Crest Trail, and to work closely with local partners and participants as mentioned above.

Sincerely,

Brian W. Jones  
Senate District 38EL CAJON DISTRICT OFFICE  
500 FESLER ST., STE. 201  
EL CAJON, CA 92020  
TEL (619) 596-3136  
FAX (619) 596-3140CAPITOL OFFICE  
STATE CAPITOL  
SACRAMENTO, CA 95814  
TEL (916) 651-4038  
FAX (916) 651-4938ESCONDIDO DISTRICT OFFICE  
720 N. BROADWAY, STE. 110  
ESCONDIDO, CA 92025  
TEL (760) 796-4655  
FAX (760) 796-4658

### **Comment Letter #8 California Senator Brian Jones**

Comment 8-A: Thank you for your comments and interest in the Boden Canyon Ecological Reserve. Please see Responses to Comments 3-C, 3-F and 2-D.

Comment 8-B: See Response to Comment 3-C and 3-D.

Comment 8-C: See Response to Comments 3-F and 2-D.





# County of San Diego

**BRIAN ALBRIGHT**  
DIRECTOR  
(858) 966-1301

**DEPARTMENT OF PARKS AND RECREATION**  
5500 OVERLAND AVENUE, SUITE 410, SAN DIEGO, CA 92123  
Administrative Office (858) 694-3030  
[www.sdparks.org](http://www.sdparks.org)

September 30, 2020

Tim Dillingham  
South Coast Region  
ATTN: Boden Canyon Ecological Reserve Land Management Planning Team  
3883 Ruffin Road  
San Diego 92123

Via e-mail to: [BodenCanyonLMP@wildlife.ca.gov](mailto:BodenCanyonLMP@wildlife.ca.gov)

## **REQUEST FOR COMMENTS ON THE NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND THE LAND MANAGEMENT PLAN FOR THE BODEN CANYON ECOLOGICAL RESERVE FOR THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.**

Dear Mr. Dillingham,

The County of San Diego (County) Department of Parks and Recreation (DPR) reviewed the California Department of Fish and Wildlife's (CDFW) Notice of Intent (NOI) for the Initial Study/Mitigated Negative Declaration (IS/MND) and Land Management Plan (LMP) for the Boden Canyon Ecological Reserve, dated September 1, 2020.

The County appreciates the opportunity to review the Project and offers the following comments for your consideration. Please note that none of these comments should be construed as County support for this Project.

### **PARKS AND RECREATION**

1. The LMP notes that CDFW regulations prohibit bicycle and equestrian use in the Ecological Reserve (page 160). Additionally, the IS/MND notes in Mitigation Measure AR 3 that "All trail use will be limited to pedestrians – i.e., no motorized vehicles, equestrians or mountain bikes." DPR requests reconsideration of the regulation and mitigation measure for the southern segment of Boden Canyon Ecological Reserve as it bisects the regional Coast-to-Crest trail. Furthermore, this area is currently used by all types of recreational users, including equestrians and mountain bikers, and the proposed mitigation measure is incompatible with long-standing recreational uses in the area. Finally, there is no information provided to demonstrate that these existing uses have resulted in negative impacts to

comment 9-A



comment 9-A  
cont'd

biological, cultural, or other sensitive resources in the area. Therefore, there is no evidence that there would be a significant impact on the environment should the LMP and IS/MND be modified to include equestrian and mountain biking uses.

comment 9-B

2. For management (e.g. mapping, monitoring, and treatment) of invasive shot hole borer and gold-spotted oak borer populations, DPR requests CDFW coordinate with the County's Emergent Tree Pest Program to ensure regional management and monitoring efforts are aligned.

comment 9-C

3. Boden Canyon is identified as a core resource area in the County's Multiple Species Conservation Program and is in close proximity to County owned preserves including Ramona Grasslands County Preserve, Bottle Peak Preserve, and Hellhole Canyon County Preserve. Due to the proximity of Boden Canyon to existing County preserves, DPR requests continued collaboration on MSCP conservation efforts, management and monitoring for sensitive species, and efforts to improve habitat connectivity within the area.

comment  
9-D

DPR appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance, at your request. If you have any questions regarding these comments, please contact Eira Whitty, Land Use/Environmental Planner at (858) 966-1377, or via e-mail at [eira.whitty@sdcounty.ca.gov](mailto:eira.whitty@sdcounty.ca.gov).

Sincerely,

Deborah Mosley  
Chief, Resource Management Division  
Department of Parks and Recreation

cc:

Crystal Benham, Group Program Manager, DPR  
Eira Whitty, Land Use/Environmental Planner, DPR

## **Comment Letter #9 San Diego County Parks and Recreation (County DPR)**

Comment 9-A: Comment Noted that DPR requests reconsideration of the regulation and MND Mitigation Measure AR 3 for the southern segment of Boden Canyon where it bisects the regional Coast to Crest Trail.

The remainder of this comment states that this area is currently used by all types of recreational users including equestrians and mountain bikers and that there is no information provided demonstrating negative impacts. CDFW disagrees with this statement. CDFW staff report that there has not been evidence of horse use in the Reserve in many years. – Please see Responses to Comments 2-C, 3-C, and 3-F.

Comment 9-B: Thank you for your suggestion that CDFW coordinate with County's Emergent Tree Pest Program. CDFW will consider this offer as our own tree pest program begins. Additional information is being collected currently on tree pests and any applicable information will be added to the Final LMP as it becomes available.

Comment 9-C: Comment noted, thank you. CDFW will continue to coordinate with the County and its nearby lands on MSCP and other management, monitoring and connectivity issues. In perusing the County website, we found information on Ramona Grasslands and Hellhole Canyon Preserves, however, did not find information on the Bottle Peak Preserve mentioned in your letter. If possible and at your convenience, please provide information on that property to CDFW.

**Table A. Summary of Comments**

**Boden Canyon Ecological Reserve – Land Management Plan and Mitigated Negative Declaration**

#	LMP (Chapter/ Section)	MND (Chapter/ Section)	Comment	San Diego County Wildlife Federation	San Dieguito River Valley Conservancy	San Dieguito River Park JPA	California Mountain Biking Coalition	San Diego Mountain Biking Association	Backcountry Horsemen	Caltrans District 11	California Senator , District 38 Brian Jones	San Diego County Parks and Recreation
1A			Comment Noted	X								
1B	Ch IV/D1		Special hunt access issues	X								
1C	Ch IV/D1		Hunting opportunities should be same as on adjacent CNF	X								
1D	Ch IV/D4		If future land transaction occurs, maintain access into ER	X								
1E			Enter into MOUs with organizations for ER management and assistance	X					X			
1F			Comment Noted		X							
2A	Ch I/E		Comment Noted, info on Coast to Crest Trail (CTC)		X	X						
2B	Ch IV/D4		Concern about CDFW prohibition of equestrian and bicycle uses		X							
2C	Ch IV/D4; Ch II/B2		LMP doesn't have evidence of bicycle negative affects		X	X	X	X				X
2D	Ch IV/D4		Desire to complete the Coast to Crest Trail, no alternative route		X	X	X	X			X	
2E	Ch IV/D		Change regulations under Fish and Game Commission to allow for horses and bicycles		X							
3A	Ch I/E		Comment noted, info on SDRP JPA			X						

#	LMP (Chapter/ Section)	MND (Chapter/ Section)	Comment	San Diego County Wildlife Federation	San Dieguito River Valley Conservancy	San Dieguito River Park JPA	California Mountain Biking Coalition	San Diego Mountain Biking Association	Backcountry Horsemen	Caltrans District 11	California Senator , District 38 Brian Jones	San Diego County Parks and Recreation
3B	Ch I/C; Ch IV/D		LMP development			X						
3C	Ch IV/E4; Ch II/B5		Use of dirt road as CTC on the southern parcels of the ER			X	X	X	X		X	X
3D	Ch IV/D		Lands Pass program puts an unfair burden on trail users			X		X			X	
3E			See Response 2C and 3C			X	X	X				
3F			CDFW has not worked with other agencies on the CTC; See Responses 2D and 3C			X	X	X			X	X
3G	Ch I/E	Sec 2.7 and XVII	LMP and IS do not include other regional trail plans			X	X	X	X			
3H			Land swap and lifting trail restrictions; see Responses 2C, 2D, 3C and 3F			X						
4A			Comment noted and info on organization				X					
4B	Ch IV/D4	Sec 2.7 and XVII	LMP excludes other regional trail plans; CTC in southern part of ER; see Response 3C				X					
4C	Ch IV/D4		LMP does not provide data that bikers are unsafe				X	X				
4D	Ch IV/D; Ch II/B2, B5		Erosion at gates would be eliminated by allowing multi-use access; See Response 2C				X	X				
4E			See Response 3E				X					
4F			See Response 3F				X					
4G			See Responses 3C and 3G				X					
4H			See Response 2D				X					

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5A			Comment noted and info on organization					X				
5B			See Response 3C					X				
5C			See Response 3D					X				
5D	Ch II/D3; Ch IV/D		LMP should differentiate between mountain bikes and motorcycles.					X				
5E			See Response 4C					X				
5F			See Responses 2C and 4D					X				
5G			See Response 3E					X				
5H			See Response 3D					X				
5I			See Response 3F					X				
5J			See Response 3G					X				
5K			See Response 2D					X				
6A			See Response 3C						X			
6B	Ch IV/D		CDFW has not communicated with bicycle riders and equestrians, and See Responses 2D and 2E						X			
6C	Ch IV/D	Section XVII	Opposing restrictions on not allowing bicycles or equestrians, and Responses See 3C and 3G						X			
6D	Ch IV/E4; Ch V		The dirt road in Boden should be maintained as a multi-use trail						X			
6E			Comment noted, and See Response 1E						X			
7A			Comment noted; Information on their agency							X		
7B			Information on CT encroachment permits							X		

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7C			The MND satisfies noise and air quality impact requirements							X		
7D			CT disclaimer about conditions and that additional studies on subsurface conditions may help understand and manage level of risk.							X		
7E			Comments about invasive plant species control.							X		
7F			Runoff onto CT facilities							X		
7G			Work in CT ROWs; See Response 7B							X		
8A			Comment noted; and see Responses 3C, 3F and 2D								X	
8B			See Responses 3C and 3D								X	
8C			See Responses 3F and 2D								X	
9A	Ch IV/D	MM AR3	Request to reconsider regulations for ER and adjust mitigation measure in the MND regarding the southern segment of the ER for the CTC trail, including that the LMP does not have evidence of negative impacts on trail use by mountain bikes and equestrians. See Responses 2C, 3C and 3F									X
9B			Coordinate with County's Emergent Tree Pest Program									X

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9C			Coordinate with the County on MSCP management, monitoring and connectivity issues.									X