



# 1 Introduction

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed Jutras Residential Project (project) and made available for public comment for a 30-day public review period from April 7, 2023 through May 8, 2023. In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15074(b) (14 CCR 15074(b)), before approving the proposed project, the City of Santee (City), as the lead agency under CEQA, will consider the IS/MND with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074(b)) states the following:

“Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.”

The agencies and individuals who provided substantive written comments on the environmental issues addressed in the Draft IS/MND are listed below. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) does not explicitly require a lead agency to provide written responses to comments received on an IS/MND, the lead agency may do so voluntarily. Individual comments within each communication are numbered so comments can be cross-referenced with responses. The comment letter received during the public review period is included in Appendix A.

Letter Number	Commenter	Date
A	U.S. Fish and Wildlife Service California Department of Fish and Wildlife Jonathan D. Snyder, Assistant Field Supervisor Dave Mayer, Environmental Program Manager	May 8, 2023

Responses to comments are made in the following text to supplement, clarify, or expand on information already presented in the Draft IS/MND. These responses do not change the significance of determinations made or the severity of potential environmental impacts evaluated in the Draft IS/MND. Section 15073.5(c)(4) of the CEQA Guidelines (14 CCR 15073.5(c)(4)) permits the inclusion of new information within an IS/MND if the additional information “merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.”

No changes to the Draft IS/MND are required; therefore, no Errata is necessary. The Draft IS/MND dated April 2023, in combination with the Responses to Comments below, constitute the Final IS/MND for the Project.

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## 2 Responses to Comments

### Comment Letter A

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U.S. FISH AND WILDLIFE SERVICE  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



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

In Reply Refer to:  
FWS/CDFW-2023-0074344

May 8, 2023  
*Sent Electronically*

Doug Thomsen  
Senior Planner  
City of Santee  
10601 Magnolia Avenue  
Santee, California 92071  
[dthomsen@cityofsantee.ca.gov](mailto:dthomsen@cityofsantee.ca.gov)

Subject: Proposed Jutras Residence Project draft Mitigated Negative Declaration  
(SCH 2022100498)

Dear Doug Thomsen:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), collectively referred to as the Wildlife Agencies, have reviewed the draft Mitigated Negative Declaration (MND) and associated documents for the proposed Jutras Residence Project (Project) received on April 7, 2023. The comments and project details referenced here are based on information provided in those documents, as well as conversations with the Service, the project proponent's biological consultant, and City of Santee (City) staff.

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act. The Department is a Trustee Agency with jurisdiction over natural resources affected by the proposed project [California Environmental Quality Act (CEQA) Guidelines §15386] and is a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and Fish and Game Code Section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City is in the process of developing an NCCP/HCP Subarea Plan under the Multiple Species Conservation Program (MSCP) Subregional Plan; however, a subarea plan has not yet been adopted by the City or permitted by the Service or the Department. The Wildlife Agencies continue to meet frequently with the City in an effort to complete the Subarea Plan,

A-1

### Response to Comment Letter A

**U.S. Fish and Wildlife Service and  
California Department of Fish and Wildlife  
Jonathan D. Snyder, Assistant Field Supervisor and  
Dave Mayer, Environmental Program Manager  
May 8, 2023**

**A-1**

The comment provides factual background information on the Commenters, their role in reviewing the Draft IS/MND, and their focus on fish and wildlife resources and their habitats. The comment does not raise a specific environmental issue under CEQA. Because no specific environmental issues are raised by the comment, no further response is provided or required.

**A-2**

The comment summarizes and restates information in the Draft IS/MND. Specifically, the comment summarizes the impacts to biological resources anticipated by the proposed project and the required mitigation measures to reduce impacts. The comment does not raise a specific environmental issue under CEQA. Because no specific environmental issues are raised by the comment, no further response is provided or required.

**A-3**

The comment is a general introduction to comments which follow and does not raise a specific environmental issue under CEQA. Please refer to Response to Comments A-4, A-5 and A-6. Because no specific environmental issues are raised by the comment, no further response is provided or required.

Comment Letter A

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Doug Thomsen (FWS/CDFW-2023-0074344)

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which will be brought forward for public review. Comments below are based on applicable regulations, those noted discussions, and the draft subarea plan.

The proposed Project is located on an undeveloped 1.01-acre site at the southern terminus of Shadow Hill Road in the City and would include construction of a single-family home in the northwest corner of the parcel, a driveway extension, fuel modification zones, and associated infrastructure. A total of 0.701 acre will be permanently impacted by the project, including 0.006 acre off site and 0.085 acre within a brush clearing easement granted to the property to the west. The remaining 0.321 acre of the site would be avoided. Existing surrounding land uses include residential neighborhoods to the north, undeveloped land to the west, and conserved land to the south and east. The Project site is within the southeastern portion of the draft Santee MSCP Subarea Plan (SAP) Plan Area.

The Project site predominantly supports coastal sage scrub (0.833 acre) and disturbed coastal sage scrub (0.104 acre) with patches of disturbed habitat (0.078 acre). Per the Biological Resources Letter for the Project (Appendix B of the MND), general biological surveys were conducted on the Project site on September 15, 2021, and the following sensitive species were identified: San Diego sunflower (*Bahiopsis luciniata*, California Rare Plant Rank 4.3); southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*, State Watch List species, proposed Santee MSCP SAP covered species); and coastal California gnatcatcher (*Poliophtila californica californica*, federally threatened, State species of special concern, proposed Santee MSCP SAP covered species). According to the Biological Resources Letter, 0.603 acre of impacts to coastal sage scrub would be attributed to the project while impacts to an additional 0.066 acre of coastal sage scrub and 0.019 acre of disturbed habitat would be attributed to the property to the west based on an existing brush clearing easement (Attachment 7 of the Biological Resources Letter). The MND specifies that the applicant will apply for an incidental take permit under section 10 of the Act for impacts to the coastal California gnatcatcher.

Pursuant to the draft MND, impacts to sensitive plant and wildlife species would be reduced by siting the proposed development adjacent to existing development to the north and by implementing minimization measures (e.g., nesting bird avoidance and biological monitoring), including adjacency guidelines from the draft Santee MSCP SAP (e.g., lighting and noise). The Wildlife Agencies offer the following comments and recommendations to assist the City and the applicant in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources and to ensure the Project is consistent with the draft SAP:

1. Per the draft MND, 0.603 acre of coastal sage scrub would be permanently impacted by the Project. Compensatory mitigation for these impacts is proposed at a 2:1 conservation ratio (1.206 acres) through the purchase of habitat mitigation credits. The MND identifies acquisition of credits at an existing mitigation bank or preservation of other land supporting coastal sage scrub approved by the City and Wildlife Agencies; however, no mitigation banks with coastal sage scrub exist within the City. The

A-4

As noted in the Response to Comment A-5, below, the impact acreages have been adjusted to include the area within the existing brush clearing easement along the western edge of the applicant's property (Jutras parcel). Therefore, the proposed project would impact 0.662 acre of coastal sage scrub vegetation, which would require 1.324 acres of mitigation. The applicant has worked with the City to identify potential options to mitigate project impacts to coastal sage scrub, including purchase of an off-site mitigation parcel within the City's jurisdiction and purchase of mitigation credits outside of the City's jurisdiction.

There are currently only three undeveloped parcels on the market in the City of Santee; however, none are located within the Upland Standards Areas. These parcels are discussed below:

- Assessor's Parcel Number (APN) 381-050-82. There are five available lots on this parcel, with acreages of 4.10, 4.51, 3.06, 3.11, and 0.89 acres. The parcel is located north of Mission Gorge Road and east of Riverview Parkway, outside the Upland Standards Area. The listing price is \$5,000,000. The parcel is bounded to the west by the Santee Town Center shopping center, to the south by existing commercial and office buildings, to the east by the Las Colinas Detention and Reentry Facility, and to the north by proposed development. Based on a review of current and historical aerial imagery, two of the lots on this parcel appear to contain disturbed coastal sage scrub vegetation; however, it appears to be regularly cleared. In addition, the habitat on the parcel is isolated from any larger off-site habitat areas by existing development.

# JUTRAS RESIDENTIAL PROJECT

## FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

### Comment Letter A

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Doug Thomsen (FWS/CDFW-2023-0074344)

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Wildlife Agencies recommend that the City work with the applicant to identify mitigation land within the upland Standards Area as defined in the draft Santee SAP (Section 5.5.2). Purchasing mitigation credits outside of the City will constrain efforts to build out the MSCP preserve within the City.

2. The MND assumes impacts within the brush clearing easement granted to the property to the west (Assessor's Parcel Number 385-010-03) in 2006 have been addressed and are not the responsibility of the project applicant. The Wildlife Agencies request an accounting of how these impacts, a minimum of 0.066 acre of coastal sage scrub, were mitigated. Impacts to coastal sage scrub following the permitting of the San Diego subregional Multiple Species Conservation Program in 1998 should be mitigated to ensure that the MSCP preserve system can be built out. A potential explanation is that the brush clearance easement was granted in support of a development project to the west, but there is no current evidence that a project to the west is imminent, meaning mitigation measures (or fuel modification) would not be required. While this specific impact is small, the original Biology Technical Report (BTR) used a similar argument for a large brush clearing easement on the same property, and we are concerned that there may be impacts that have not been mitigated.

Specific to the Department:

3. The Crotch's bumble bee (*Bombus crotchii*) and its habitat may be impacted by the proposed project. An occurrence was identified within 3 miles of the Project site in 2021 according to a research grade observation in iNaturalist. Crotch's bumble bee is a habitat generalist and near-endemic to California. This species is often found in scrub or open grassland habitats that support a variety of pollen and nectar sources, such as those that occur on the Project site. They typically nest underground by utilizing existing features such as abandoned rodent burrows and hibernate under groundcover. As of September 30, 2022, Crotch's bumble bee was reinstated as a candidate species under CESA and as such, receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 and 2085). The Department recommends that a qualified biologist conduct surveys for this candidate species within the Project area during the bumble bee's flight period (March 1st through mid-October). Once Project activities begin, we recommend a qualified biologist monitor potential nest sites and floral resources for Crotch's bumble bee and record any observations using photographs and GPS points to report to California Natural Diversity Database (CNDDB). If the species is detected and take may occur, the qualified biologist shall notify the Department immediately to avoid take and ensure compliance with CESA.

A-4  
Cont.

A-5

A-6

Habitat on this parcel would not be suitable as mitigation land.

- APN 384-470-09. This parcel is located at 10756 Rockvill Street, outside the Upland Standards Area. This is a 2.27-acre parcel with a listing price of \$1,080,000. It is a previously graded and disturbed lot with a small strip of disturbed coastal sage scrub along the periphery. The parcel is bounded to the east by State Route 67 and to the north, west, and south by existing development. Habitat on this parcel would not be suitable as mitigation land.
- APN 385-010-76. This parcel is located on Shadow Hill Road immediately west of the proposed Jutras parcel, and outside the Upland Standards Area. This is a 1.71-acre parcel with a listing price of \$295,000. The parcel was approved for development by the City in 2009 under Tentative Map 08-04. This parcel appears to support primarily coastal sage scrub of similar quality to that found on the Jutras parcel.

There are no mitigation banks with coastal sage scrub credits in the City. The nearest mitigation banks with coastal sage scrub credits are the Willow Road Conservation Bank and the Cleveland Corridor Conservation Bank. Purchase of 1.324 acre of coastal sage scrub credits at Willow Road would cost \$54,548.80, while purchase of credits at Cleveland Corridor would cost \$86,060.

Of the three parcels currently available, only APN 385-010-76 appears to have appropriate habitat to offset project impacts. However, this parcel is not located within an Upland Standards Area and has an approved Tentative Map. At \$295,000, the cost to purchase this parcel would be at least 5.4 times the cost of purchasing credits at the Willow Road

JUTRAS RESIDENTIAL PROJECT  
FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Comment Letter A

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Doug Thomsen (FWS/CDFW-2023-0074344)

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We appreciate the opportunity to comment on the draft MND. If you have questions or comments regarding this letter, or would like to coordinate with the Wildlife Agencies regarding the proposed project, please contact [Eric Porter](#)<sup>1</sup> of the Service at 760-431-9440 or [Heather Schmalbach](#)<sup>2</sup> of the Department at 858-775-7399.

A-7

Sincerely,

SUSAN  
WYNN

Digitally signed by  
SUSAN WYNN  
Date: 2023.05.08  
11:11:19 -0700

For: Jonathan D. Snyder  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

Digitally signed by  
*David Mayer*  
DN: cn=David Mayer, o=...

David Mayer  
Environmental Program Manager  
California Department of Fish and Wildlife

cc:

[State Clearinghouse](#),<sup>3</sup> Sacramento

[Jennifer Ludovissy](#),<sup>4</sup> CDFW

[Karen Drewe](#),<sup>5</sup> CDFW

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Conservation Bank. Moreover, with the added cost conserving and managing the land in perpetuity, the overall cost would be prohibitive to the applicant, a single-family home builder. City staff have reviewed the proposed project and confirmed that mitigating impacts to coastal sage scrub at a mitigation bank outside the City would not constrain efforts to build out the City's MSCP preserve. Based on recent discussions with the Wildlife Agencies, the current version of the Draft Subarea Plan has been adjusted so that conservation in the Standards Areas does not rely on mitigation of projects outside of the Standards Areas. Because of these factors, the applicant proposes to purchase 1.324 acres of mitigation credits at either the Willow Road Conservation Bank or the Cleveland Corridor Conservation Bank.

A-5

On October 10, 2006, a 20-foot (0.085 acre) brush clearing easement on western portion of the Jutras parcel was granted to Moray Wehab and Inaam Wehab as part of the approval of the Wehab Tentative Parcel Map 08-04 (Reso. No. 005-2011 approved January 26, 2011). The easement on the Jutras parcel was for brush clearing purposes for the lot to the west of the Jutras parcel. This parcel was identified in Reso. No. 005-2011 as APN 385-010-03; however, the parcel has since been split to include APNs 385-010-74, 385-010-75, and 385-010-76. A Mitigated Negative Declaration (MND) was prepared for the Wehab Tentative Map, and mitigation for impacts to habitat within the easement was required.

The January 20, 2023, the BBS biological report identified 0.066-acre of Diegan coastal sage scrub (DCSS) and 0.19 acre of disturbed habitat within the easement area. Due to the fact there was a prior CEQA analysis and mitigation assigned to the easement area, the impact to the habitat in the easement area



was assumed to be mitigated by others as part of the development of the parcel to the west (APN 385-010-03).

The City is unaware of evidence that the prior mitigation requirements have been met at this time. At the time a grading permit is requested for APN 385-010-03, the City will require that applicant to fulfill their prior mitigation requirements. However, since development of the single-family residence on the Jutras parcel is moving forward prior to development of APN 385-010-03, and to address the Wildlife Agencies' comment, the applicant has agreed to set aside additional Diegan coastal sage scrub habitat to account for any disturbance within the brush clearing area, even though such impacts will be mitigated by others pursuant to the Mitigated Negative Declaration for the Wehab Tentative Map. Specifically, the project would affect 0.059 acre of Diegan coastal sage scrub within the easement area. The remaining 0.007 acre of DCSS would not be impacted. As a condition of project approval, the applicant will acquire an additional 0.118 acre (0.059 acre x 2:1 ratio) through purchase of credits at a mitigation bank approved by the City and Wildlife Agencies (see Response to Comment A-4, above). This would bring the total acquisition to 1.324 acres.

The addition of a condition of approval requiring the acquisition of additional DCSS does not constitute a "substantial revision" to the project MND and therefore recirculation of the MND is not required. Disturbance in the brush clearing easement area is "not a new avoidable significant effect" requiring mitigation because the impact to the easement area was addressed and mitigated in the 2011 approvals and was assumed to be mitigated by others. Even though the project applicant is not required to mitigate for

impacts to the 0.059 acres to be disturbed in the easement area, as it is already mitigated as part of the 2011 approvals, the City will add the above condition in response to the Wildlife Agencies' comments (CEQA Guidelines Section 15073.5 (c)). No edits to the MND or the Biological Resources Report prepared for the project are required.

**A-6** The City will require pre-construction surveys for Crotch's bumble bee as a condition of approval. Per email communication from California Department of Fish and Wildlife (CDFW) Senior Environmental Scientist Heather Schmalbach to City Principal Environmental Planner Marni Borg on May 24, 2023, pre-construction surveys will be conducted within 30 days prior to any ground disturbance between March and September (the flight season). If pre-construction surveys identify Crotch's bumble bee within the project site and buffer area, the project biologist will notify CDFW and establish, monitor, and maintain no-work buffers identified. The no-work buffer would be determined through consultation with CDFW staff and would be established until the colony is no longer active (i.e., no bees are seen flying in or out of the nest for 3 consecutive days indicating the colony has completed its nesting season and the next season's queens have dispersed from the colony).

**A-7** The comment provides concluding remarks and contact information for the commenter. The comment does not raise a specific environmental issue under CEQA. Because no specific environmental issues are raised by the comment, no further response is provided or required.