



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
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November 30, 2021

Governor's Office of Planning & Research

Mr. Jeffrey Szymanski
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City of San Diego
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Nov 30 2021

STATE CLEARINGHOUSE

Sunset Cliffs Inn (Project) Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) SCH # 2014081073

Dear Mr. Szymanski:

The California Department of Fish and Wildlife (Department) received a Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) from the City of San Diego (City) for the Inn at Sunset Cliffs Inn Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide biological impact and mitigation comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPERTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts,

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Sunset Cliffs Inn

Objective: The objective of the Project is to construct a new secant pile seawall, and to comply with the permitting process for a Coastal Development Permit (CDP) and a Site Development Permit (SDP). The Project will include the following construction elements:

- Removal of the remnant existing seawall.
- Removal of 2,120 square feet of a lower concrete deck.
- Remove two existing keystone block firepits.
- Removal of quarry rock revetment at the bottom of the seawall, which currently covers a portion of the natural rocky intertidal reef.
- Construction of a new 170-foot-long secant pile seawall.

The original seawall was constructed in 1953 and has had multiple failures due to daily high wave energy, which led to the collapse of the concrete deck both in December 2015 and January 2019. All proposed work would occur on private property and within the footprint of the existing shoreline protection devices (seawall and lower deck). The subject property is 0.542 acres, of which the total disturbed area is less than 0.131 acres.

Location: 1370 Sunset Cliffs Blvd., San Diego, San Diego County, California.

COMMENTS AND RECOMMENDATIONS

The Department offers comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Abalone and Intertidal Rocky Reef Impacts

Comment: The Department agrees with the Intertidal Biological Assessment (IBA) Report, MTS, 2020, Rev. 2021 within the Draft IS/MND that supports the proposed Project. The Draft IS/MND states any unanticipated damage or loss of rocky intertidal habitat mapped in Figure 4 would be considered a significant impact and would require mitigation. The Department also agrees with the IBA report regarding the recommended pre-construction abalone spp. survey to be conducted seven days prior to the start of the intertidal quarry rock removal to reduce the intertidal rocky reef impacts to less than significant. The Department has the following additional recommendations shown below.

Recommendations and Mitigation Measures:

The Department recommends the Final IS/MND include the following additional recommendations and mitigation measures to reduce the risk of abalone spp. and intertidal rocky reef adverse impacts to less than significant:

- **Recommendation:** The Department and National Marine Fisheries Service (NMFS) should be notified if any abalone spp. are found during the pre-construction intertidal quarry rock survey. If abalone are detected, collaboration with the Department will be necessary to identify next steps, including potential authorization for abalone spp. relocation.
- **Recommendation:** If any garbage, construction debris or quarry rock is dropped on reef habitat or ocean water, these items should be removed as soon as possible.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information on submitting data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by Department. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Conclusion

The Department appreciates the opportunity to comment on the Draft IS/MND. If you have any questions or comments, please contact Loni Adams, Environmental Scientist, at 858-204-1051 or loni.adams@wildlife.ca.gov.

Sincerely



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