



September 27, 2019

Deb Farrar
Community Services Director
City of Colton
625 N. La Cadena Drive
Colton, CA, 92324

Governor's Office of Planning & Research

SEP 27 2019

STATE CLEARINGHOUSE

Dear Ms. Deb Farrar:

Colton Community Soccer Park (Project), Mitigated Negative Declaration (MND) SCH# 2019089094

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from City of Colton for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent

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.

implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The proposed Project contemplates construction and operation of a community-level soccer park located within the City of Colton on multiple City-owned parcels with a total of 45 acres. The proposed Project includes development of up to eight lighted regulation size soccer fields and related improvements on approximately 21 acres (47%) of the site to accommodate soccer leagues and tournaments for “Under Age 5 (U5)” through “Under Age 18 (U18)” teams. Based on the topography of the site and adjacent lands, the conceptual park design includes three tiers or levels to facilitate the proposed soccer fields. The Conceptual Master Plan shows six of the fields with synthetic turf and two of the fields (in the northeast and southwest corners) with natural turf, but the City may decide to install all synthetic turf fields at some later time. The proposed Project also includes approximately 300 parking stalls (with required handicapped stalls), two restroom facilities, two concession buildings (max. 24-foot height), breezeways with seating, several child play areas, multipurpose trails of decomposed granite, field and parking lot lighting, security fencing, retaining walls, and shaded spectator seating. The northern concession building is also planned to have a small police sub-station. A maintenance yard that also contains a cellphone tower would be located just west of the main parking lot south of the terminus of South Florez Street.

COMMENTS AND RECOMMENDATIONS

The CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is extremely concerned about the adequacy of the impact analysis and the mitigation measures proposed in the MND and the ability of the City of Colton to mitigate the Project’s significant, or potentially significant, direct and indirect impacts to native habitats and species that rely on these habitats. CDFW offers the comments and recommendations below to assist City of Colton in adequately identifying and/or mitigating the on fish and wildlife (biological) resources.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as hunt pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill”) of State-listed CESA species, either through construction or over the life of the Project. CESA ITPs are issued to conserve protect, enhance, and restore State-listed CESA species and their habitats.

San Bernardino Kangaroo Rat (*Dipodomys merriami parvus*)

The Endangered Habitats League submitted a petition (Petition) to the Fish and Game Commission (Commission) to list San Bernardino Kangaroo Rat (SBKR) as endangered pursuant to the CESA, Fish and Game Code Section 2050 et seq. On August 7, 2019, the Commission accepted the Petition for consideration and SBKR was designated as a candidate species. On August 23, 2019, publication of the Commission's acceptance of the Petition for consideration and designation of the SBKR as a candidate species was posted; therefore, take of SBKR will be prohibited unless authorization pursuant to CESA is obtained.

Page 4-16 of the MND identifies trapping for Stephens' kangaroo rat (SKR) and SBKR occurred in 2009 and recent trapping has not occurred. Specifically, the MND states, "These two State and/or federally-listed mammal species have limited potential to occur on the Project site at present. Previous trapping surveys determined the species to be absent, however, the surveys were conducted in 2009 and their results are no longer valid. Any impact on these species would be considered significant and mitigation would be required." Additionally, a species of special concern, the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*) is known in the area. Without current trapping data and a thorough impact analysis, it is unclear whether the Project would result in significant impacts to these species. Absent a thorough impact analysis and mitigation strategy, it is unclear whether the Project' impacts can be adequately identified, disclosed, or mitigated. CDFW is concerned that without this information, the analysis in the MND is incomplete and the significance of these impacts cannot be determined as required under CEQA.

Santa Ana River woollystar (*Eriastrum densifolium sanctorum*)

Page 4-19 of the MND states, "To the extent possible, the Project shall be redesigned to avoid Santa Ana River woollystar (SAWS) populations. If Project design changes and take of individuals cannot be avoided, the City shall obtain take authorization from the listing agencies before impacting the species - Federal Endangered Species Act (FESA) Consultation with the U.S. Fish and Wildlife Service (USFWS) and California Endangered Species Act (CESA) Section 2080 from the California Department of Fish and Wildlife (CDFW).

Page 1-1 of the MND states, "Three acres of the area that would be preserved would be designated as habitat for the Santa Ana woollystar, a State of California and federally-listed endangered plant species."

An Incidental Take Permit should be obtained if the Project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the Project. Trespass and egress to habitat known to impact SAWS by future Project users is reasonably foreseeable. Absent a thorough impact analysis and mitigation strategy, it is unclear whether this component of the Project can be adequately identified, disclosed, or mitigated. CDFW is concerned that without this

information, the analysis in the MND is incomplete and the significance of these impacts cannot be determined as required under CEQA.

Pesticide Use

CDFW is concerned without current small mammal trapping results, the Project's proposed use of pesticides, rodenticides and fertilizers could result in significant impacts to sensitive small mammal species. Page 4-18 of the MND states "Adverse effects on water quality could indirectly impact species that use riparian areas within the watershed by affecting the food web interactions(e.g., abundance of insects or other prey) or through biomagnification (i.e., the buildup of pesticides to toxic levels in higher trophic levels). It should be noted that at least 6 of the 8 soccer fields would have synthetic turf which does not require the use of herbicides, rodenticides, or fertilizers. Despite this design element, impacts in this regard would be potentially significant and would require mitigation".

Use of pesticides at the sports field sites could impact SBKR, SKR and/or Los Angeles pocket mouse (*Perognathus longimembris brevinasus*) by: poisoning from herbicides, as their diet primarily consists of vegetation and seeds (Zeiner et al. 1990, Freemark and Boutin 1995, Pimentel 2005), poisoning from rodenticides (Sánchez-Barbudo et al. 2012), reduced litter sizes (Grue et al. 1997, Pimentel 2005), alteration of ovarian development and function (Tiemann 2008), decreased coordination and motor skills and slow response rates to noise (Wolansky and Harrill 2008).

Without current trapping results and a thorough impact analysis, it is unclear whether this component of the Project and lack of thorough analysis could result in significant impacts to these species. Additionally, CDFW is concerned that without this information, the analysis in the MND is incomplete and the significance of these impacts cannot be determined as required under CEQA.

Artificial night lighting

CDFW is concerned regarding the impact analysis of the indirect effects due to night lighting on the adjacent habitats, particularly the areas proposed as conservation is inadequate. Page 1-2 of the MND states, "The fields would be lighted for night practices and games with a total of 16 steel poles, ranging between 60 and 80 feet in height. Four poles per field are planned, with two poles on each of the long sides of the field, or in some cases at the corners of the field. The light fixtures on adjacent fields may share poles. The City has indicated that all the light poles would be designed to withstand a maximum wind speed of 129 miles per hour. In addition, electrical service for all site improvements proposed in the lower portion of the site, including the field lighting, would have to have emergency cutoff switches in case of inundation and therefore would not be able to operate during flooded conditions." Mitigation BIO-8 indicates, "Prior to park opening, the City shall ensure that night lighting shall be directed away from all offsite habitat areas to the east and that shielding shall be incorporated in the final Project design to minimize spillover of night lighting into adjacent naturally vegetated areas to the greatest extent practicable." CDFW is concerned this standard of "greatest extent

practicable” does not provide enough information to adequately address this impact to the adjacent habitat and sensitive species.

CDFW is particularly concerned regarding the specific lights S1, S2, S3, S7 S8, S10, S13, S14, and S15. Artificial light has been shown to suppress the immune system of some mammals (Bedrosian et al. 2011), and it can cause disruption of normal circadian rhythms. Rodents often decrease foraging in higher light levels due to higher risk of predation (Clarke 1983, Daly et al. 1992, Bird et al. 2004). They may also leave the area because of an increased risk of predation. CDFW requests a more thorough analysis of potential indirect impacts from night lighting on adjacent natural lands and rodents that may be present on those lands. Absent a thorough impact analysis and mitigation strategy, it is unclear whether this component of the Project can be adequately identified, disclosed, or mitigated. CDFW is concerned that without this information, the analysis in the MND is incomplete and the significance of these impacts cannot be determined as required under CEQA.

Outlets from Basins to Channel

CDFW is concerned with the lack of information regarding the impacts due to outlets of the stormwater basins onto the adjacent and downstream habitat. Page 4-57 of the MND discusses the proposed on-site drainage sub-basins, specifically the basins will mitigate the erosion and sedimentation coming from the Project’s hardened surfaces, however the MND is lacking discussion and impact analysis of the basin connection to adjacent and/or downstream habitats. Concentrated storm flows in areas that were once only subject to sheet flow can experience higher erosional impacts, degradation of habitat, and/or type conversion of vegetation. In addition, nuisance flows from the proposed drainage system may cause off-site habitat type conversion from dry wash habitat to wetland or riparian habitat. The increased nuisance flow may also add an increased risk for invasive plants and animals to establish and expand in the adjacent natural habitat. These potential indirect impacts to biological resources and the adjacent habitat should be analyzed and disclosed in the MND.

Trespass and Degradation of adjacent SAWS habitat

Page 1-2 of the MND discusses walls and fencing, specifically stating, “an 8-foot tall block wall separating residences that border the west side of the Project (S. Florez St. and S. Fernando St.), a 10-foot tall block wall (depending on slope) along the south side of the existing industrial use just east of the railroad tracks, and an 8-foot chain link fence with 20-foot high black netting along the west side of the three fields just east of the railroad tracks (in the southwest corner of the proposed Project site)”. Additionally, page 1-4 of the MND discusses the adjacent open space/habitat, and the 3-acre habitat that will be set aside to support SAWS. It states, “The perimeter fencing around the 3-acre area would also have signage to explain why access to the area is restricted. The planned fencing would extend below grade consistent with agency guidelines to prevent access by domestic or natural predators (e.g. house cats, feral dogs, coyotes, etc.)”. Additionally, Mitigation Measure BIO-2 indicates “The Project site shall also be fenced along its eastern perimeter to deter human entry or activities in the adjacent vegetated

and river wash areas". CDFW is concerned there is a lack of detail regarding the proposed fencing and monitoring. We recommend tall, secure fencing i.e. 8-foot block wall, separating the soccer field from the adjacent habitat and a method to monitor and preclude egress to the adjacent habitat. Habitat degradation due to unauthorized trespass and illegal dumping should be thoroughly analyzed and disclosed in the MND. Absent a thorough impact analysis and mitigation strategy, it is unclear whether this component of the Project can be adequately identified, disclosed, or mitigated. CDFW is concerned that without this information, the analysis in the MND is incomplete and the significance of these impacts cannot be determined as required under CEQA.

Management and Persistence of the SAWS preserve

Page 1-4 of the MND discusses the adjacent open space/habitat, specifically the 3-acres of natural habitat that will be set aside to support SAWS. CDFW is concerned that without proper management and monitoring with adequate long-term funding, the 3-acre preserve will be obsolete over time. SAWS require periodic scouring flows to trigger seed germination and also to persist long term (Hernandez and Sandquist 2019). If the establishment of this preserve is intended to provide mitigation for the impact to SAWS, the proposed maintenance and monitoring of the preserve should be further explained and disclosed in the MND to ensure that the preserve will continue to function and not become obsolete over time.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the Mitigated Negative Declaration for the Colton Community Soccer Park (SCH 2019089094) and recommends that the

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City address the CDFW's comments and concerns prior to recirculating the revised MND.

Questions regarding this letter or further coordination should be directed to Brandy Wood, Environmental Scientist at 909-483-6319 or brandy.wood@wildlife.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Scott Wilson". The signature is written in a cursive style with a small dot above the "i" in "Wilson".

Scott Wilson
Environmental Program Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ec: Brandy.Wood@wildlife.ca.gov

REFERENCES

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