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October 11, 2019

Governor's Office of Planning & Research

Ms. Cindy Salazar, Senior Planner
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OCT 11 2019

STATE CLEARINGHOUSE

Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Irvine Ranch Open Space 2014 Donation Interim Recreation and Resource Management Plan Project IP 19-044

Dear Ms. Salazar:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Irvine Ranch Open Space 2014 Donation Interim Recreation and Resource Management Plan Project IP 19-044 (IRRMP or Project). The following statements and comments have been prepared pursuant to the Department's authority as a Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386), pursuant to our authority as 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 (Fish and Game Code § 2050 *et seq.*), and pursuant to Fish and Game Code section 1600 *et seq* regarding potential aspects affecting rivers or stream courses. The Department also administers the Natural Community Conservation Planning (NCCP) program. The County of Orange (County), which includes Orange County Public Works (OCPW), is a Participating Landowner under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP; Plan) and is signatory to the Plan Implementation Agreement. The NCCP/HCP was developed by the Department, the U.S. Fish and Wildlife Service (hereafter, Wildlife Agencies), the County, and Participating Landowners and jurisdictions to provide for economic development and conservation of the coastal sage scrub (CSS) natural community and associated habitat types. The NCCP/HCP mitigates for impacts to sensitive and listed species from Planned Activities within the Central and Coastal Subregions.

The Project proposes to implement recreational improvements and general park maintenance within three of the four parcels that were donated to the County by the Irvine Company in 2014 as permanently protected open space. The parcels include East Orange I, East Orange II, and Mountain Park (collectively the Project Area), which generally fall outside of the habitat Reserve (Reserve) that was created pursuant to the NCCP/HCP. However, small portions of East Orange I and East Orange II are located within the Reserve, and portions of all three parcels adjoin the Reserve. Trail and staging area improvements are proposed to be implemented on a trial basis and evaluated for inclusion, modification, or removal from the site during the development of a long-term Recreation and Resource Management Plan. Improvements include updating existing gravel lots and historical parking areas to be used as staging areas for public access events, clearing select existing and historical trails of overgrown vegetation to provide improved public access, and installing signage throughout the trail system. During the interim

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management period, the IRRMP proposes to provide for guided public access (i.e. access will be led by staff or qualified volunteer docents), with some limited self-guided access to be provided during designated Wilderness Access Days.

Special status wildlife species were not detected in the Project Area during 2018 surveys. However, habitat assessments determined that the habitats within or adjacent to the Project Area have the potential to support the state and federally endangered least Bell's vireo (*Vireo belli pusillus*) and the federally threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher). Two special-status plant species, many-stemmed dudleya (*Dudleya multicaulis*) and Peirson's morning glory (*Calystegia peirsonii*), were detected on site, and other special-status species are known to occur in the Project Area. Projected impacts to sensitive vegetation communities from recreational facility improvements include the loss of 0.01 acre of coast prickly pear scrub, 0.02 acre of lemonade berry scrub, and 1.68 acres of coastal sagebrush scrub¹. Impacts to all native vegetation communities are proposed to be replaced in accordance with mitigation measure BIO-7.

The Department offers the following comments and recommendations to assist OCPW in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure the Project is consistent with the applicable requirements of the NCCP/HCP. Our comments and recommendations are based on our knowledge of sensitive and declining vegetation communities and our participation in regional conservation planning efforts.

1. The East Orange I trails map (Figure 4.4 of the IRRMP) shows a provisional trail and a historic trail that cross onto land included within the Reserve. Prior to allowing public access and recreational use within Reserve lands, the NCCP/HCP requires public landowners/managers to prepare and obtain Wildlife Agency approval of a Resource Management Plan (RMP), per the requirements of Section 5.8.6 of the NCCP/HCP and Section 5.3.2 of the associated Implementation Agreement. Because the NCCP/HCP does not include a provision to approve recreational uses on an interim basis as is proposed by the current IRRMP, we recommend that trails that intersect the Reserve be removed from the Project and their consideration be postponed until an RMP is prepared. We recommend the future RMP be prepared in close coordination with the Wildlife Agencies to ensure that proposed recreational uses are consistent with the requirements of the NCCP/HCP.
2. We recommend the IRRMP designate specific standards (e.g. tread width and surface type) for each proposed road or trail facility based on its intended user group, and the MND impact evaluation be based on implementation of recreational improvements in accordance with these standards. For example, different tread widths are likely appropriate for single-track trails that are only intended for a single user group, versus single or double track trails that are intended to accommodate multiple user groups (e.g., trails designated for use by hikers, bikers, and equestrians). Roads that need to accommodate utility or emergency vehicles may require 2-4 foot brush back/mowing zones in addition to 12-14 foot tread widths. Establishing trail standards will not only allow them to be used as the basis for calculating habitat impacts in the MND but will

¹ Considered a sensitive natural community for the purposes of the Project (MND pg. 3.25).

establish a baseline for assessing and monitoring impacts from the use of each facility during implementation of the IRRMP. Based on discussions with OCPW staff, it is the Department's understanding that current impact estimates were calculated using a 3-foot width for all trails, which may not be appropriate for all proposed facilities. Following the completion of the interim period, we recommend using the information gathered on use patterns to finalize the intended user group/class of trails or roads and applicable design standards intended for each facility in the future RMP, and quantify the associated habitat impacts accordingly. Any difference in impacts associated with the finalized trail standards, as compared to what was accounted for in the IRRMP and MND, should be appropriately mitigated.

3. While reconnaissance level biological surveys were performed to disclose the potential for implementation of the IRRMP to impact sensitive plants and animals, the need for more detailed biological surveys to minimize and avoid impacts to sensitive species is acknowledged with the proposal to implement mitigation measures BIO-1 and BIO-5. While implementation of these measures is appropriate, identifying facility locations on a provisional basis and deferring protocol surveys until the timing of construction of individual facilities has the potential to result in a piecemealing of project impacts by precluding the ability to consider how sensitive species are distributed throughout the project area and how alternative trail configurations and uses can be used to further minimize project impacts to sensitive species. To help evaluate impacts from the project as a whole, we recommend OCPW review other historical biological information for the parcels that has been collected by The Irvine Company, the Natural Communities Coalition (NCC), and others, and/or perform comprehensive protocol surveys throughout the project area for the gnatcatcher, cactus wren (*Campylorhynchus brunneicapillus*), and least Bell's vireo.
4. In an effort to minimize biological impacts from the introduction of passive recreational use within the Project Area, the IRRMP proposes to re-establish historical trails and roads on a provisional basis and study the impacts from human use of these facilities as the basis for selecting permanent locations of park facilities. However, our experience is that historical trails and roads often follow ridgelines with steep and/or extended gradients where they promote erosion. Therefore, we recommend OC Parks not only consider historical use as the basis for minimizing biological impacts but also take into consideration contemporary standards for trail design and the results of recommended species surveys (see Comment 3) when selecting which historical trails are appropriate to re-establish. The proposal to use historical trails should be abandoned or alternative trail alignments selected if it is determined that specific trails or roads are poorly designed due to their potential to promote erosion and necessitate ongoing maintenance, or if there is potential to unnecessarily impact sensitive biological resources.
5. The IRRMP identifies historic and provisional trails to be used for public access within the Project Area; however, it is unclear which trails are currently being used for managed public access and which trails would require clearing to make them accessible under the IRRMP. To better describe the environmental impacts that will result from adoption of the IRRMP, the description of Existing Conditions for each of the parcels addressed within the MND should be revised to describe the current extent of public or private use on each of the parcels, and the level of change in public use that is anticipated with

adoption of the IRRMP. In addition, we recommend including a figure in the MND and the IRRMP for each parcel that clearly delineates which trails are used for current managed access and which trails would need to be re-established as part of the Project. The figure and associated discussion should make clear where habitat impacts are anticipated and the assumptions that were used for quantifying habitat impacts.

6. Mitigation Measure BIO-7 of the MND states that "If native vegetation removal cannot be avoided, and the removal is approved by OC Parks, the impacted plant communities shall be replaced at a mitigation ratio of 1:1. Sensitive communities shall be replaced at a mitigation ratio of 3:1. The compensation for the loss of habitats may be achieved either by a) on-site habitat creation or enhancement of California sycamore woodlands and southern riparian scrub communities with similar species compositions to those present prior to construction, b) off-site creation or enhancement of California sycamore woodlands and southern riparian scrub communities, or c) participation in an established mitigation bank program." However, Table 6 of the MND does not list potential impacts to California sycamore woodlands or southern riparian scrub, nor does it indicate how impacts to native vegetation can be avoided. The MND should identify measures that will be taken to avoid impacts to native vegetation communities. For example, the re-establishment of historic paths and roads that have been recolonized by sensitive native vegetation communities will be avoided or re-routed to avoid impacts to sensitive vegetation communities. For unavoidable impacts, the MND should identify potential mitigation banks or off-site or on-site locations where native vegetation will be restored to mitigate for Project impacts.
7. Some of the proposed trails connect to existing roads that extend into surrounding parcels, or dead end at the property boundary. Such trails can have a spillover effect and lead to unauthorized recreational use on adjacent lands that can cause impacts to biological resources not addressed in the MND. Although continued managed public access under the IRRMP could largely prevent such a spillover effect from occurring, the proposal to open trails up to increased self-guided access following the interim period could make this an issue in the future. To avoid facilitating potential unauthorized access and use of surrounding parcels, we recommend the current and future trail configurations be entirely contained within the Project Area and OCPW avoid installation of trails that have the potential to facilitate unauthorized access on surrounding parcels. Specific trails that should be evaluated for removal or closure during self-guided access days include a lone historic trail in the eastern portion of Mountain Park, as well as multiple historic trails in the southwestern portion of this parcel. Alternatively, the MND and IRRMP should be updated to include a discussion of the current status of recreational use on the surrounding parcels and whether future proposed self-guided access days would be compatible with the current use of these areas.
8. For any formal study monitoring the impacts of recreational use, we recommend including NCC and the Wildlife Agencies in the development of the study design. Any consideration of changing recreational uses within the Project Area, including increasing self-guided access, should take into consideration the results of the Recreation Management and Human Valuation study that is being conducted by Utah State University and Oregon State University, with funding from NCC. It is the Department's understanding that future components of this study will include a focus on the assessment of ecological conditions in relation to current recreational use, which may be of value for the determining appropriate use levels within the Project Area.

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The Department appreciates the opportunity to comment on this NOI. If you have questions or comments regarding this letter, please contact Kyle Rice at kyle.rice@wildlife.ca.gov or (858) 467-4250.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: Will Miller (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

