



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

December 27, 2019

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Denise Russell, Project Manager
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STATE CLEARINGHOUSE

SUBJECT: Comments on the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for the Liberty Charter High School Project SCH# 2019129039

Dear Ms. Russell:

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 Liberty Charter High School Project.

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 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.

Department 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, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act [CEQA] Guidelines § 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., § 1802.) Similarly for purposes of CEQA, the Department 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.

The Department is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to the Department's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent 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.), related authorization as provided by the Fish and Game Code will be required.

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The Department also administers the Natural Community Conservation Planning (NCCP) program. The County of San Diego (County) currently participates in the NCCP program by implementing its approved MSCP Subarea Plan.

Project Location: The Liberty Charter High School is located at 1530 Jamacha Road, El Cajon, Valle de Oro Community Planning Area, Unincorporated San Diego County (APN# 498-330-39-00). The location is at the corner of Jamacha Road and Chase Avenue in El Cajon.

Project Description/Objective: The proposed project is construction of a charter high school (grades 9-12), operated by Literacy First Charter Schools (LFCS). Primary Project activities include construction of a 48,000 square-foot, two-story building, 161 parking spaces, an outdoor common area and patios, and a sports field. Access to the site would be provided by two driveways total connecting to Chase Avenue. Grading would consist of 23,500 cubic yards of balanced cut and fill. The existing Liberty Charter High School from its current location at 8425 Palm Street in Lemon Grove to the new location once construction is complete. The project would also require a Major Use Permit.

COMMENTS AND RECOMMENDATIONS

The Department offers the following comments and recommendations to assist San Diego County in adequately avoiding, minimizing, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

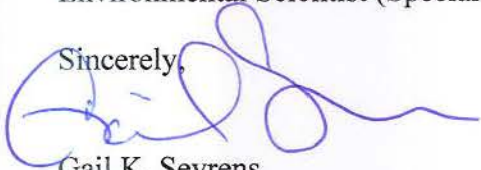
If the proposer intends to mitigate using Option 1 then the Department requires the proposer to submit a Bill of Sale or Credit Sales Receipt instead of a copy of the purchase contract.

CONCLUSION

The Department appreciates the opportunity to comment on the NOI to assist San Diego County in avoiding, minimizing, and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nasseer Idrisi, Senior Environmental Scientist (Specialist) at (858) 636-3159 or Nasseer.Idrisi@wildlife.ca.gov.

Sincerely,



Gail K. Sevrems
Environmental Program Manager

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