



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
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GAVIN NEWSOM, Governor  
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May 14, 2020

5/14/2020

Mr. Nicholas Koutoufidis, Land Use & Environmental Planner  
 County of San Diego  
 5500 Overland Avenue, Suite 310  
 San Diego, CA 92123  
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Governor's Office of Planning & Research

**MAY 15 2020**

**STATE CLEARINGHOUSE**

**Subject: Borrego Military Landing Zone Brushing and Clearing Permitted Project  
 (PROJECT) MITIGATED NEGATIVE DECLARATION (MND)  
 SCH# 2020049039**

Dear Mr. Koutoufidis:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Diego County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 also administers the Natural Community Conservation Planning (NCCP) Program. CDFW, the U.S. Fish and Wildlife Service, and the County of San Diego (County) entered into a NCCP planning agreement in 2008 for the draft East County Multiple Species Conservation Program (EC MSCP) planning areas to address conservation needs and future planned development in east county (County of San Diego, 2008 and 2013).

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<sup>1</sup> 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.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** County of San Diego (County)

**Objective:** The proposed Borrego Military Landing Zone Brushing and Clearing Permit Project (Project) is an Administrative Permit for brushing and clearing to correct a violation, which resulted in disturbance of 17.07 acres. The study area experienced unpermitted grubbing activities between January 17 and January 19, 2018 within the Perris Valley Aviation Services and was served a notice of violation and a County Enforcement Case. The Project will mitigate for the disturbed land in order to bring the site into compliance.

**Location:** The Project is located immediately south of Palm Springs Canyon Drive and the Borrego Springs airport, in the northeastern section of San Diego County, and within the boundaries of the draft ECMSCP.

**Biological Setting:** The study area consists of Indio silt loam soil type, which contains highly alkaline/saline soils that support a number of California Endangered Species Act (CESA)-listed, ECMSCP-covered, and/or California Native Plant Society-Rare Plant Ranked plant species. Habitat types within the study site are: 26.8 acres of desert saltbush scrub/disturbed desert saltbush scrub, 0.29 acre of disturbed habitat, and 0.17 acre of urban/developed habitat. In San Diego County, desert saltbush scrub is dominated by allscale (*Atriplex polycarpa*), and includes cheesebush (*Ambrosia salsola*), rusty molly (*Kochia californica*), Anderson's boxthorn (*Lycium andersonii*), peach thorn (*Lycium cooperi*), western honey mesquite (*Prosopis glandulosa* var. *torreyana*), and western seablite (*Suaeda occidentalis*). The study site has a moderate potential to harbor eight special-status plant species: Borrego milk-vetch (*Astragalus lentiginosus* var. *borreganus*), ribbed cryptantha (*Cryptantha costata*), Gander's cryptantha (*Cryptantha ganderi*), winged cryptantha (*Cryptantha holoptera*), Wolf's cholla (*Cylindropuntia wolfii*), Abrams' spurge (*Euphorbia abramsiana*), Parish's desert-thorn (*Lycium parishii*), and Palmer's jackass clover (*Wislizenia refracta* ssp. *palmeri*).

There are 11 CESA-listed and/or ECMSCP-covered wildlife species with a moderate potential to occur or forage within the study area: northern red-diamond rattlesnake (*Crotalus ruber ruber*), flat-tailed horned lizard (*Phrynosoma mcallii*), golden eagle (*Aquila chrysaetos*), turkey vulture (*Cathartes aura*), prairie falcon (*Falco mexicanus*), pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), California leaf-nosed bat (*Macrotus californicus*), and pocketed free-tailed bat (*Nyctinomops femorosaccus*).

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

### I. Off-Site Mitigation

## **COMMENT #1: Off-site mitigation**

### **MND, Pages 1-3.**

**Issue:** The location of the off-site mitigation is not specified in the MND.

**Specific impact:** Without designating the location of the off-site mitigation in a Habitat Restoration and Monitoring Plan (HRMP), CDFW cannot determine as to whether this mitigation will adequately bring impacts to biological resources below significant. The MND indicates that a mitigation bank be identified, and if a mitigation bank is not identified, mitigation will be provided by the applicant on land located in east San Diego County.

CDFW recommends that saltbush scrub habitat on the purchased land be of comparable or better quality than the saltbush scrub on the impacted (Project) site.

### **Mitigation Measure #1:**

**To minimize significant impacts:** To adequately offset impacts of the Project, CDFW recommends that a mitigation measure addressing off-site mitigation be added to the MND, which reads:

*“A draft HRMP shall be provided to CDFW in lieu of the Resource Management Plan for review and approval prior to the start of construction. Plans for restoration and revegetation shall be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The HRMP shall include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. If a CDFW-approved mitigation bank is to be used in lieu of a stand-alone mitigation parcel, it will have saltbush scrub conservation credits. Proof of purchase will be provided to CDFW prior to the beginning of construction.”*

## **I. Sensitive Habitat**

### **COMMENT #2: Impacts to desert saltbush scrub**

#### **MND, Pages 1-3.**

**Issue:** The MND notes that desert saltbush scrub and disturbed desert saltbush scrub are sensitive biological resources pursuant to the County’s Guidelines for Determining Significance for Biological Resources (2010).

**Specific impact:** The MND describes the Project having 26.8 acres of saltbush scrub and disturbed saltbush scrub impacts. Project activities will impact 17.08 acres of saltbush scrub and disturbed saltbush scrub and associated plant and wildlife species. At a 2:1 ratio, mitigation of 34.16 acres of saltbush scrub is required.

## **Mitigation Measure #2:**

### **To minimize significant impacts:**

To avoid and minimize impacts to desert saltbush scrub, CDFW recommends that MM BIO-1 be amended to the following:

*“In order to avoid significant impacts to desert saltbush scrub, the County will mitigate at a 2:1 ratio, which brings the total mitigation of saltbush scrub to 34.16 acres.”*

## **II. Special Status Species**

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?**

### **COMMENT #3: Flat-tailed horned lizard**

**Issue:** Possible significant impacts to flat-tailed horned lizard due to project activities.

**Specific impact:** Flat-tailed horned lizards may be adversely impacted as the result of vegetation clearing and grubbing.<sup>2</sup>

### **Mitigation Measure #3:**

**To minimize significant impacts:** For flat-tailed horned lizard, CDFW recommends that a mitigation measure be added to the MMRP that reads:

*“In order to reduce significant impacts to flat-tailed horned lizard, a Biological Monitor shall be present during brushing and clearing activities to monitor for flat-tailed horned lizard. Reports generated by the biological monitor will be made available to CDFW upon request. If any flat-tailed horned lizards are detected, or are harmed due to construction activities, CDFW shall be notified immediately for coordination.”*

Per CEQA Guidelines Section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

## **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). The CNDDDB field survey

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<sup>2</sup> Flat-tailed horned lizard range-wide management strategy. Working group of flat-tailed horned lizard Interagency Coordinating Committee. An Arizona-California Conservation Strategy 1997.

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form can be found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](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](mailto: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](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 MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nasseer Idrisi, Senior Environmental Scientist at (858) 467-2720 or [Nasseer.Idrisi@wildlife.ca.gov](mailto:Nasseer.Idrisi@wildlife.ca.gov).

Sincerely,



David A. Mayer  
Environmental Program Manager  
South Coast Region

## Attachments

A. Draft MMRP (CDFW 2020)

ec: Carol Roberts, U.S. Fish and Wildlife Service  
State Clearinghouse

**Attachment A:**

**CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations**

<b>Biological Resources</b>			
	<b>Mitigation Measures</b>	<b>Timing</b>	<b>Responsible Party</b>
MM BIO-1	<p>A draft HRMP shall be provided to CDFW in lieu of the Resource Management Plan for review and approval prior to the start of construction. Plans for restoration and revegetation shall be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The HRMP shall include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i)</p>	Pre-Project and Post Project	San Diego County

	contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. If a CDFW-approved mitigation bank is to be used in lieu of a stand-alone mitigation parcel, it will have saltbush scrub conservation credits. Proof of purchase will be provided to CDFW prior to the beginning of construction.		
MM BIO-2	In order to avoid significant impacts to desert saltbush scrub, the County will mitigate at a 2:1 ratio, which brings the total mitigation saltbush scrub to 34.16 acres.	During Project	San Diego County
MM BIO-3	In order to reduce significant impacts to flat-tailed horned lizard, a Biological Monitor shall be present during brushing and clearing activities to monitor for flat-tailed horned lizard. Reports generated by the biological monitor will be made available to CDFW upon request. If any flat-tailed horned lizards are detected, or are harmed due to construction activities, CDFW shall be notified immediately for coordination.	During Project	San Diego County