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Governor's Office of Planning & Research

April 7, 2021

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STATE CLEARINGHOUSE

Ms. Lorrie Bradley
Environmental Planner
County of San Diego, Department of Parks and Recreation
Lead/Public Agency
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Subject: Alpine County Park Project (PROJECT), Notice of preparation (NOP) of a Draft Environmental Report (DEIR), SCH #2021030196

Dear Ms. Bradley:

The California Department of Fish and Wildlife (CDFW) received a NOP of a DEIR from the County of San Diego (County) Department of Parks and Recreation (DPR) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding the activities involved in the Alpine County Park 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (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 state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW may need to exercise regulatory authority as provided by the Fish and Game Code, including 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" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native

Lorrie Bradley
County of San Diego
April 7, 2021
Page 2 of 9

Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The County participates in the NCCP program by implementing its approved Subarea Plan (SAP) under the County Multiple Species Conservation Plan (MSCP). The Project site is located within the boundaries of the County's approved MSCP covering southwestern San Diego County. Although the MSCP is permitted under both the California NCCP and federal Habitat Conservation Plan (HCP) programs, the MSCP did not provide take coverage for the Quino checkerspot butterfly (*Euphydryas editha quino*), a federal endangered species that has been identified onsite. Impacts are therefore being addressed by the U.S. Fish and Wildlife Service (USFWS) under a separate HCP.

PROJECT DESCRIPTION SUMMARY

Proponent: County DPR

Objective: The Project site is in the area covered by the Alpine Community plan. The site is subject to the General Plan Rural Lands Regional Category, with an Open Space-Conservation land use designation in the western portion of the property and a Semi-Rural Residential land use designation in the eastern portion. The Project site encompasses 98 acres. Twenty-five acres will be developed and turned into an active park and the 73 acres that will not be developed will be designated as open space and managed as part of the MSCP Preserve. The 25-acre active park will include: multi-use turf areas, baseball field, all-wheel area, bike skills area, recreational courts (i.e., basketball, pickleball, game table plaza), fitness stations, leash-free dog area, restroom facilities, administrative facility/ranger station, equestrian staging with a corral, nature play area, community garden, volunteer pad, picnic areas with shade structures, picnic tables, game table plaza, and trails. Included in the Project boundary will be a parking area with 250-275 single vehicle spaces. There will be two entrances to the parking area located on South Grade Road. The Project site will be open to the public from sunrise to sunset. Dogs are allowed on leashes in the Project boundaries and off-leash in the designated dog area. As stated above, the 73 acres that will not be developed will be called the Alpine Park Preserve (Preserve), and monitored and managed by the County. This management will include maintenance of one mile of existing trail and closure of informal use trails. The HCP will also include restoration and habitat enhancement for the Quino checkerspot butterfly.

Location: The Project site is in eastern San Diego County, one mile south of Interstate 8, and approximately one mile south of the center of the town of Alpine. Alpine is an unincorporated community in the eastern portion of the County and is approximately 25 miles east of downtown San Diego. The Project site is north of South Grade Road, east of Tavern Road, and adjacent to the Backcountry Land Trust's (BCLT) Wright's Field Preserve. Residential and rural communities surround the 98-acre site.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations 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.

Lorrie Bradley
County of San Diego
April 7, 2021
Page 3 of 9

Specific Comments

- 1) Consider Alternative Location(s). Due to the presence of highly sensitive habitats (clay soils, native grassland) and species on and/or adjacent to conserved areas of Wright's Field, CDFW recommends that the forthcoming DEIR include an alternative location or locations that would meet the needs of the community yet avoid or minimize impacts while not reducing the remaining acreage of the large block of habitat encompassing the Wright's Field conservation area.

- 2) Biological Baseline Assessment. CDFW recommends that the DEIR provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site, with emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, including any Covered Species under the County's approved MSCP, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding or minimizing impacts to any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:
 - a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3, and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;

 - b) A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities.

 - c) A complete, recent, assessment of the biological resources associated with each habitat type onsite and within adjacent areas that could also be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) should be reviewed to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;

 - d) CNDDDB indicates the occurrence of several special status species within the Project vicinity. The DEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species onsite and within the area of potential

Lorrie Bradley
 County of San Diego
 April 7, 2021
 Page 4 of 9

- effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
- e) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 3) Management Plan. A site Resource Management Plan (RMP) for the 73-acre Preserve should be completed before any trails are opened to the public. A discussion is needed on the impacts of the designated trails that will be located throughout the Preserve and the cumulative impacts that will result from an increase in human activity. The RMP will need to address how these impacts will be monitored and managed in the Preserve.
- 4) Listed Species and California Species of Special Concern (SSC). CNDDDB indicates that State rare (SR), CDFW Watch List (WL), CDFW fully protected (FP), SSC, or California Endangered Species Act (CESA)-listed (i.e., State Endangered (SE) or State Threatened (ST)) or federal Endangered Species Act (ESA)-listed (i.e., federal Endangered (FE) or federal Threatened (FT) or a candidate for federal listing (FC)) are known in and adjacent to the Project area. Also indicated below are species which are covered by the South County (i.e., existing/approved) MSCP (SC) and species which are preliminarily proposed for coverage under the forthcoming East County MSCP (EC)).
- a) Sensitive plant species known in the Project area include (but are not limited to): Cuyamaca larkspur (*Delphinium hesperium* ssp. *cuyamaca*, SR); Dehesa beargrass (*Nolina interrata*, SE, SC); Dunn's mariposa lily (*Calochortus dunnii*, SR, SC); Encinitas baccharis (*Baccharis vanessae*, FT, SE, CS); Gander's ragwort (*Packera ganderi*, SR, EC); Mexican flannelbush (*Fremontodendron mexicanum*, FE, SR); and San Diego thorn-mint (*Acanthomintha ilicifolia*, FT, SE, SC).
- b) Sensitive amphibians and reptiles include (but are not limited to): arroyo toad (*Anaxyrus californicus*, FE, SSC, SC, EC); Blainville's horned lizard (*Phrynosoma blainvillii*, SSC, EC, SC); California glossy snake (*Arizona elegans occidentalis*, SSC); coast patch-nosed snake (*Salvadora hexalepis virgultea*, SSC, EC); coast range newt (*Taricha torosa*, SSC, EC); coastal whiptail (*Aspidoscelis tigris stejnegeri*, SSC); Coronado skink (*Plestiodon skiltonianus interparietalis*, WL, EC); orange-throated whiptail (*Aspidoscelis hyperythra beldingi*, WL, EC, SC); red-diamond rattlesnake (*Crotalus ruber*, SSC, EC); silvery legless lizard (*Anniella pulchra*, SSC, EC); southwestern pond turtle (*Actinemys pallida*, SSC, EC, SC); two-striped gartersnake (*Thamnophis hammondi*, SSC, EC); and western spadefoot (*Spea hammondi*, SSC, EC).

Lorrie Bradley
 County of San Diego
 April 7, 2021
 Page 5 of 9

- c) Sensitive bird species include but are not limited to: Bell's sparrow (*Artemisiospiza belli*, WL); coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*, SSC, EC, SC); coastal California gnatcatcher (*Polioptila californica*, FT, SSC, SC); Cooper's hawk (*Accipiter cooperii*, WL, SC); golden eagle (*Aquila chrysaetos*, WL, FP, EC, SC); least Bell's vireo (*Vireo belli pusillus*, FE, SE, EC, SC); southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*, WL, EC, SC); southwestern willow flycatcher (*Empidonax trailii extimus*, FE, SE, EC, SC); Swainson's hawk (*Buteo swainsoni*, ST, SC); tricolored blackbird (*Agelaius tricolor*, ST, EC, SC); and yellow-breasted chat (*Icteria virens*, SSC).
 - d) Sensitive invertebrates include (but are not limited to): Hermes copper butterfly (*Lycaena hermes*, FC, EC) and Quino checkerspot butterfly (FE, EC).
 - e) Sensitive mammals include but are not limited to: American badger (*Taxidea taxus*, SSC, SC); Dulzura pocket mouse (*Chaetodipus californicus femoralis*, SSC); northwestern San Diego pocket mouse (*Chaetodipus fallax*, SSC); San Diego desert woodrat (*Neotoma lepida intermedia*, SSC); San Diego black-tailed jackrabbit (*Lepus californicus bennettii*, SSC, EC); pallid bat (*Antrozous pallidus*, SSC, EC); pocketed free-tailed bat (*Nyctinomops femorosaccus*, SSC); big free-tailed bat (*Nyctinomops macrotis*, SSC); Townsend's big-eared bat (*Corynorhinus townsendii*, SSC, EC); western mastiff bat (*Eumops perotis californicus*, SSC); western red bat (*Lasiurus blossevillii*, SSC); and western yellow bat (*Lasiurus xanthinus*, SSC).
- 5) Quino Checkerspot Butterfly. The Project Description indicates the presence of Quino checkerspot butterfly onsite. This butterfly is federally endangered and a County Group 1 species. This species is found only in western Riverside County, southern San Diego County, and northern Baja California, Mexico (USFWS 2003). The DEIR should make provisions to avoid the occupied area: however, further discussion should be included in the final document to address indirect impacts to the species.
- a) Direct impacts to Quino checkerspot butterfly could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from fugitive construction dust coating foraging habitat, and other edge effects associated with landscaping and fencing.
 - b) CEQA provides protection for CESA- and ESA-listed species. Quino checkerspot butterfly is federally endangered and CDFW considers impacts to federally threatened species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.
- 6) Vernal pools. The Project site is adjacent to the BCLT Wright's Field Preserve which has vernal pools present. The Project Site has species present that are associated with vernal pools such as western spadefoot and contains high levels of clay soil which are known to support vernal pools and sensitive species. Vernal pools are considered a rare resource, as it is estimated over 95% of vernal pools in California have been destroyed (USFWS 1998). CDFW considers the loss of these pool complexes to be regionally and biologically

Lorrie Bradley
County of San Diego
April 7, 2021
Page 6 of 9

significant. To fully avoid impacts to vernal pools and depressions, the entire sub-watershed that supports the hydrology of the pool/depression should be avoided and conserved.

- 7) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of the Project site to the Alpine Park Preserve and BCLT's Wright's Field Preserve, it is essential to understand how the open space and biological diversity within it may be impacted by Project activities. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The following should be addressed in the DEIR:
- a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with an NCCP (NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
 - c) A discussion on Project-related changes on drainage patterns downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The Project includes plans for an underground parking structure; therefore, the discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - d) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - e) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 8) Sensitive Bird Species. The Project plans indicate that existing undeveloped land will be developed for the 25-acre park. A review CNDDDB indicates occurrences of special status bird species the Project vicinity. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in habitat directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

Lorrie Bradley
County of San Diego
April 7, 2021
Page 7 of 9

- a) CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
 - b) Project activities including but not limited to staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 9) Landscaping. The Project Description includes landscaped areas and a community garden on the Project site. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR also stipulate that no invasive plant material shall be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

General Comments

- 1) Project Description and Alternatives. To enable CDFW to adequately review and comment on the Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
 - a) A complete discussion of the purpose and need for, and description of, the Project, including all staging areas and access routes to the construction and staging areas; and,
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 2) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore would not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or

Lorrie Bradley
County of San Diego
April 7, 2021
Page 8 of 9

acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or non-profit organization to effectively manage and steward land, water, or natural resources on mitigation lands that it approves.

- 3) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

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 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 NOP to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Emily Gray, Environmental Scientist, at Emily.Gray@wildlife.ca.gov.

Lorrie Bradley
County of San Diego
April 7, 2021
Page 9 of 9

Sincerely,

DocuSigned by:

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David Mayer
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