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November 15, 2021

Ms. Anna Prowant
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Governor's Office of Planning & Research

Nov 15 2021

STATE CLEARINGHOUSE

Subject: Comments on the Draft Environmental Impact Report for the Alpine Park Project, SCH# 2021030196

Dear Ms. Prowant:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from the County of San Diego (County) Department of Parks and Recreation (DPR) (Lead Agency) for the Alpine Park Project (Project) pursuant 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 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 Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Conserving California's Wildlife Since 1870

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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 San Diego 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. Noteworthy is that the Wright's Field area was added to the Pre-Approved Mitigation Area (PAMA) of the County's MSCP SAP due to its very high biological resource values. More specifically, the heavy clay soils, extensive network of native grasslands with scattered vernal pools, and the presence of a number of highly sensitive plant and animal species make Wright's Field a unique area within the MSCP subregion. 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*; Quino), a federal endangered species that has been identified onsite. Impacts to Quino are therefore being addressed by the U.S. Fish and Wildlife Service (USFWS) under a separate HCP.

PROJECT DESCRIPTION AND SUMMARY

Proponent: San Diego County Department of Parks and Recreation

Objective: The Project site is in the area covered by the Alpine Community plan. The Project site is currently zoned as Limited Agricultural Use (A70) and Open Space (S80). 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 96.6 acres of undeveloped land. Twenty-five acres will be developed and turned into an active park and the remaining 71.6 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 71.6 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 trails and closure of informal use trails. An HCP addressing impacts to Quino checkerspot butterfly will include restoration and habitat enhancement for the species.

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 96.6-acre site.

Timeframe: There is no official start date, but Project construction will take 16 months to complete.

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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. CDFW's comments are also intended to assist the County Parks Department to ensure the project meets the conditions of the County MSCP SAP.

I. Environmental Setting, Mitigation Measures, and Related Impact Shortcoming

Comment #1: Presence of Western Spadefoot (*Spea hammondi*) Egg Mass

Issue: In the Biological Resources Report (BRR), in internal Appendix B, Table 2 notes the presence of western spadefoot eggs in an onsite road rut (AP-007) during fairy shrimp protocol surveys. Western spadefoot was not addressed in the DEIR as being present on the Project site. Page 4.4-3 in the DEIR identifies special-status species that were observed and/or have the potential to occur but does not mention western spadefoot in this section. The DEIR also states on page 4.4-30 that it would not have an effect on state or federal wetlands, which is true in the context of wetlands. However, in the impact discussion it states, "No wetland features or aquatic resources were found within the BSA during any field surveys." Although there may not be jurisdictional wetland features onsite, the soils onsite have the ability to hold water, allowing for an ephemeral species such as the western spadefoot to use the site for breeding and presumably for estivation and foraging.

Specific Impact: Direct impacts to western spadefoot 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 temporary or permanent loss of suitable nonbreeding habitat and breeding habitat.

Why Impacts Would Occur: Western spadefoots are burrowing anurans that breed in ephemeral pools, but the majority of their life is spent underground in adjacent terrestrial habitat. In a recent study, inland populations of western spadefoot showed dispersal up to 187 meters from a breeding pool (Halstead et al. 2021). This means that there is a high potential for adult western spadefoots on or near the Project site. Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting western spadefoot or other Species of Special Concern (SSC). This may result in trampling or crushing of western spadefoot individuals or egg masses. Demolition and paving after false negative conclusions may trap wildlife hiding under refugia and burrows.

Evidence Impacts Would Be Significant: Western spadefoot is a candidate species under the federal Endangered Species Act (ESA), and a California Species of Special Concern (SSC). Western spadefoot is not a covered species in the County's MSCP SAP. Impacts to special-status species are discussed in section 4.4 in the DEIR but do not include western spadefoot. The DEIR states that "MM-BIO-1 through MM-BIO-5 would reduce the Project's impacts 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, to less-than significant level." CDFW appreciates the intention behind these

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mitigation measures but is concerned that the measures do not provide enough specificity to avoid or minimize impacts to special status species. CEQA provides protection not only for California Endangered Species Act (CESA)- and ESA-listed species, but for any species including, but not limited to, SSC. CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure

Mitigation Measure #1: Species-specific Surveys, Habitat Creation, Post-relocation Monitoring - Prior to the start of the Project, ground disturbance, construction, or site preparation activities, the applicant shall retain the services of a qualified biologist to conduct pre-construction surveys for western spadefoot toad within all portions of the Project site containing suitable breeding habitat. Surveys shall be conducted during a time of year when the species could be detected (e.g., the presence of rain pools). If western spadefoot toad or additional egg masses are identified on the Project site, the following measures will be implemented.

(1) Under the direct supervision of the qualified biologist, western spadefoot toad breeding habitat shall be created within suitable natural sites outside the developed area plus a minimum 50-foot buffer from the forthcoming development; a minimum 100-foot buffer is recommended if it can be accommodated by the Project design. The amount of occupied breeding habitat to be impacted by the Project shall be replaced at a minimum of 2:1 ratio. CDFW recommends that two pools be created at disparate locations to off-set the loss of the existing breeding pool. The actual relocation sites design, and locations shall be approved by the Wildlife Agencies. The locations shall be in suitable habitat as far away as feasible from any recreation activities. The relocation basins shall be designed such that they only support standing water for several weeks following seasonal rains in order that aquatic predators (e.g., fish, bullfrogs, and crayfish) cannot become established. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the existing pool(s) as feasible. No site preparation or construction activities shall be permitted in the vicinity of the currently occupied pool until the design and construction of the pool habitat in preserved areas of the site has been completed and all western spadefoot toad adults, tadpoles, and egg masses detected are moved to the created pool habitat.

(2) Based on appropriate rainfall and temperatures, generally between the months of February and April, the biologist shall conduct pre-construction surveys in all appropriate vegetation communities within the development envelope. Surveys will include evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas of the site. All western spadefoot adults, tadpoles, and egg masses encountered shall be collected and released in the identified/created relocation basins described above.

(3) The qualified biologist shall monitor the relocation site for five years, involving annual monitoring during and immediately following peak breeding season such that surveys can be conducted for adults as well as for egg masses and larval and post-

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larval toads. Further, survey data will be provided to CDFW by the monitoring biologist following each monitoring period and a written report summarizing the monitoring results will be provided to CDFW at the end of the monitoring effort. Success criteria for the monitoring program shall include verifiable evidence of toad reproduction at the relocation site.

Comment #2: Impacts to Native Grassland Habitat

Issue: The DEIR proposed 11.73 acres of offsite mitigation for impacts to native needlegrass grassland but does not provide the location of where this mitigation will take place. The Project needs to meet compensatory mitigation requirements of the MSCP, which require impacts to be mitigated at a 2:1 ratio, assuming that the mitigation will occur within the PAMA of the County's MSCP SAP. This is a relatively large amount of native grassland requiring replacement and may be very difficult to accomplish.

Specific impact: Valley needlegrass grassland is at the central and southern area of the BSA and it represents a large contiguous vegetation community that is unique in this area. Without an offsite mitigation site, the Project would result in permanent loss of native needlegrass grassland. This vegetation community is known to provide habitat for special-status plant and wildlife species including Quino, and it is considered prime foraging habitat for several species of raptors.

Why Impacts Would Occur: Native grasslands provide habitat for special-status plants and wildlife species. Impacts to special-status plants and wildlife species may occur through habitat loss or modification, resulting in reduced reproductive capacity, population declines, or local extirpation of a sensitive or special-status plant or wildlife species.

Evidence Impacts Would Be Significant: The DEIR states that valley needlegrass grassland is the most common vegetation community in the Biological Survey Area (BSA), comprising 22.1 acres of the total BSA. In the BSA there is also disturbed valley needlegrass grassland (0.8 acre) and nonnative grassland (9.1 acres). Valley needlegrass and disturbed valley needlegrass habitat are Tier I communities under the County's MSCP SAP. The DEIR indicates that County DPR will provide compensatory mitigation for sensitive vegetation communities within the open space and/or within offsite locations. Table 4.4-4 states that 27.73 acres is required to mitigate for impacts to native grassland (Tier I) communities, with 16 acres of onsite mitigation and 11.73 acres of offsite mitigation. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive vegetation communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative 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).

Recommendation #1

CDFW recommends the County DPR retain a suitable offsite mitigation location for impacts to native grassland communities. Once the site has been chosen, it will need to be approved by CDFW and USFWS (Wildlife Agencies) prior to commencement of Project activities.

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II. Additional Comments and Recommendations

Comment #3: Monitoring Bat Boxes

CDFW appreciates the MM-BIO-5 that states County DPR will work with a bat expert to design and install bat boxes prior to removal activities. We also appreciate the level of monitoring that is proposed after the bat boxes are installed. CDFW requests to be notified of any ongoing coordination and that the monitoring information be included in annual reports and/or be included in the County's annual report for the MSCP.

Comment #4: Alternative Project Design

CDFW acknowledges that the County could construct an active use park and be consistent with the requirements of the MSCP and appreciates the coordination that has occurred with County Parks to minimize impacts from an active park project. CDFW nonetheless recommends that a design for a more "passive park" be further considered as an alternative because of the presence of highly sensitive habitats (clay soils, native grassland, oak woodland) and species on and/or adjacent to the conserved areas of Wright's Field. In Section 6 of the DEIR, four parks were proposed as alternatives. Of these four parks, Alternative 4, Reduced Project Alternative, proposes a reduced active park acreage of 20 acres and 76 acres of open space. CDFW appreciates that this alternative is included in the DEIR, but Alternative 4 would still include active use features such as multi-use fields, baseball field, basketball and pickleball courts with the estimated daily capacity of up to 500 visitors. The impacts from these activities include lighting, noise, and other human disturbance.

Recommendation #2

CDFW recommends adding an alternative for a fully passive park design. This design would include the passive-use elements that are included in the Alternative 4 park design but would eliminate the active-use features. A passive park would allow the County to meet some of the recreational objectives for the Alpine community, provide an open space preserve and minimize impacts to the habitat encompassing the Wright's Field conservation area. Project alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources. A project alternative should be considered even if an alternative would impede to some degree the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6).

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 filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to

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CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

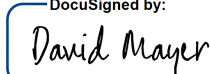
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing 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 DEIR to assist the San Diego County Department of Parks and Recreation in identifying and mitigating Project impacts on biological resources and for consistency with the MSCP.

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

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
South Coast Region

Ec:

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References

California Environmental Quality Act (CEQA). 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.

California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, § 15097, §15126.4(2)

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California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating
 Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.
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County of San Diego Multiple Species Conservation Plan,
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County of San Diego. 1998. San Diego Multiple Species Conservation Program, Plan. Final
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Halstead, B.J. et al. 2021. Conservation Implications of Spatiotemporal Variation in the
 Terrestrial Ecology of Western Spadefoots. The Journal of Wildlife Management
 85(7):1377-1393;2021. DOI: 10.1002/jwmg.22095.

Attachment A:

CDFW Mitigation Measures and Recommendations:

	Mitigation Measures	Timing	Responsible Party
<p>Mitigation Measure #1:</p> <p>Species-specific Surveys, Habitat Creation, Post-relocation Monitoring</p>	<p>Prior to the start of the Project, ground disturbance, construction, or site preparation activities, the applicant shall retain the services of a qualified biologist to conduct pre-construction surveys for western spadefoot toad within all portions of the Project site containing suitable breeding habitat. Surveys shall be conducted during a time of year when the species could be detected (e.g., the presence of rain pools). If western spadefoot toad or additional egg masses are identified on the Project site, the following measures will be implemented.</p> <p>(1) Under the direct supervision of the qualified biologist, western spadefoot toad breeding habitat shall be created within suitable natural sites outside the developed</p>	<p>Prior to/after construction</p>	<p>County DPR</p>

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	<p>area plus a minimum 50-foot buffer from the forthcoming development; a minimum 100-foot buffer is recommended if it can be accommodated by the Project design. The amount of occupied breeding habitat to be impacted by the Project shall be replaced at a minimum of 2:1 ratio. CDFW recommends that two pools be created at disparate locations to off-set the loss of the existing breeding pool. The actual relocation sites design, and locations shall be approved by the Wildlife Agencies. The locations shall be in suitable habitat as far away as feasible from any recreation activities. The relocation basins shall be designed such that they only support standing water for several weeks following seasonal rains in order that aquatic predators (e.g., fish, bullfrogs, and crayfish) cannot become established. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the existing pools as feasible. No site preparation or construction activities shall be permitted in the vicinity of the currently occupied ponds until the design and construction of the pool habitat in preserved areas of the site has been completed and all western spadefoot toad adults, tadpoles, and egg masses detected are moved to the created pool habitat.</p> <p>(2) Based on appropriate rainfall and temperatures, generally between the months of February and April, the biologist shall conduct pre-construction surveys in all appropriate vegetation communities within the development envelope. Surveys will include evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas of the site. All western spadefoot adults, tadpoles, and egg masses encountered shall be collected and released in the identified/created relocation basins described above</p> <p>(3) The qualified biologist shall monitor the relocation site for five years, involving annual monitoring during and immediately</p>		
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	<p>following peak breeding season such that surveys can be conducted for adults as well as for egg masses and larval and post-larval toads. Further, survey data will be provided to CDFW by the monitoring biologist following each monitoring period and a written report summarizing the monitoring results will be provided to CDFW at the end of the monitoring effort. Success criteria for the monitoring program shall include verifiable evidence of toad reproduction at the relocation site.</p>		
Recommendation #1	<p>CDFW recommends the County DPR retain a suitable offsite mitigation location for impacts to native grassland communities. Once the site has been chosen, it will need to be approved by CDFW and USFWS (Wildlife Agencies) before the start of the Project.</p>	Prior to construction	County DPR
Recommendation #2	<p>CDFW recommends adding an alternative that includes a fully passive park design. This design would include the passive-use elements that are included in the Alternative 4 park design but would eliminate the active-use features. A passive park would still allow the County to meet some recreational objectives for the Alpine community, provide an open space preserve and minimize impacts to the habitat encompassing the Wright's Field conservation area. Project alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources. A project alternative should be considered even if an alternative would impede to some degree the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6).</p>	Prior to construction	County DPR