



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 17, 2021

Governor's Office of Planning & Research

May 17 2021

STATE CLEARINGHOUSE

Jenna Roady
County of San Diego
Planning and Development Services Department
Lead/Public Agency
5500 Overland Avenue, Suite 410
San Diego, CA 92123
Jenna.Roady@sdcounty.ca.gov

Subject: Ivanhoe Ranch (PROJECT), Notice of preparation (NOP) of a Draft Environmental Report (DEIR), SCH #2021040367

Dear Ms. Roady:

The California Department of Fish and Wildlife (CDFW) received a NOP of a DEIR from the County of San Diego (County) for the 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 Ivanhoe Ranch 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 expects that it 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 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. A portion of the Project site, roughly the easternmost 25%, is also within the Pre-Approved Mitigation Area (PAMA), which encompasses areas identified in the MSCP as having higher biological resource values where comparatively greater amounts of conservation should be targeted.

PROJECT DESCRIPTION SUMMARY

Proponent: County of San Diego

Objective: The Project site is 121.9 acres located in central unincorporated San Diego County and falls within the Valle De Oro Community Plan Area. The Project consists of 120-lot subdivision with a total of 119 new residential units and one residential unit that is currently on the project site, and this residence will remain unchanged. The Project will also include a 1.78-acre park with parking lot, private internal roads, trails made of decomposed granite, street lighting, drainage basins, an entry monument wall, and 24.97 acres of biological open space. The biological open space will not be connected, it is separated into three areas within the Project footprint. The Project consists of a proposed General Plan Amendment that would change the land use designation from Open Space (Recreational) and Semi-Rural (SR-10) to Semi-Rural (SR-2) and Semi-Rural (SR-0.5) which would permit more dwellings per acre. This Rezone will change the existing zone from Limited Agriculture to Rural Residential and Single Family Residential. The Project site also requires an Agricultural Preserve Disestablishment and a Williamson Act Contract Cancellation. This Disestablishment would result in the removal of the Jamacha Agricultural Preserve #21.

Location: The Project site is located in central unincorporated San Diego County, 4 miles south of the City of El Cajon. It is south of Interstate 8 (I-8), east of State Route 54 (SR-54), and north of State Route 94 (SR-94). Surrounding the Project site are two golf courses, the Cottonwood golf course to the northwest and the Steele Canyon golf course to the east, and a large track home community to the south. The Project site also has a large open area of undeveloped land to the east. Access to the Project site is through Ashley Park Drive on the southeast and Ivanhoe Ranch Road from the southwest.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating Project impacts on biological resources and maintaining consistency with the MSCP.

Specific Comments

- 1) Biological Baseline Assessment. CDFW recommends providing 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,

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as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding 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 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 United States Fish and Wildlife Service (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

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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.

- 2) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of the Project site to the McGinty Mountain Ecological Reserve, San Diego National Wildlife Refuge, and undeveloped open space, 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 thorough assessment of the Project's direct impacts on the MSCP's covered species, sensitive habitat types, and land occurring with the PAMA. Generally, CDFW recommends that the Project consolidate development in the western half and avoid impacts to the PAMA at the east side of the Project to the maximum extent practicable. This would enable the eastern areas to remain associated with large blocks of conserved habitat in the future. Additionally, potential adverse impacts from fragmentation and maintaining connectivity to the smaller area of PAMA on and adjacent to the northwest portion of the Project site should also be evaluated. Adequate areas for wildlife movement should be provided between areas considered conserved by the Project.
 - b) In addition to species covered by the MSCP, the DEIR should evaluate habitats and the presence of host plants for other sensitive species such as the Hermes copper (*Lycaena hermes*) butterfly. If suitable habitat/host plant is present, focused surveys should be performed spanning the flight period of this species, and coordination with the U.S. Fish and Wildlife Service is highly encouraged.
 - c) 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;
 - d) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
 - e) 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;

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- f) 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,
 - g) 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.
- 3) Sensitive Bird Species. A review of the CNDDDB indicates occurrences of special status bird species such as coastal California gnatcatcher (*Polioptila californica californica*) and least Bell's vireo (*Vireo bellii pusillus*) in and adjacent to 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.
- a) CDFW recommends that measures be taken, primarily, 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.
- 4) Landscaping. The Project Description includes a proposed park on the northwest portion of the footprint as well as decomposed granite trails. 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/>.

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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 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.

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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 and ensuring Project consistency with the requirement so 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 I
South Coast Region

ec: CDFW

Karen Drewe, San Diego – Karen.Drewe@wildlife.ca.gov
Emily Gray, San Diego – Emily.Gray@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
Jennifer Ludovissy, San Diego – Jennifer.Ludovissy@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov
Jonathan Snyder, US Fish and Wildlife Service – Jonathan_d_Snyder@fws.gov

References

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California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>

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