



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](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



August 18, 2021

Governor's Office of Planning & Research

**August 18 2021**

**STATE CLEARINGHOUSE**

Rebecca Malone  
Senior Environmental Planner  
Planning Department  
City of San Diego  
9485 Aero Drive, MS 413  
San Diego, CA 92123  
[RMalone@sandiego.gov](mailto:RMalone@sandiego.gov)

**Subject: Comments on the Notice of Preparation of a Program Environmental Impact Report for Blueprint San Diego (SCH #2021070359)**

Dear Ms. Malone:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) for the Blueprint San Diego (Project) Program Environmental Impact Report (PEIR).

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; California Environmental Quality Act [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 is also 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. As proposed, for example, the Project may be subject to CDFW'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.

CDFW also administers the Natural Community Conservation Planning (NCCP) program. The City of San Diego (City) has an approved Subarea Plan (SAP) and Implementing Agreement

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(IA) under the Subregional Multiple Species Conservation Program (MSCP) and is therefore an approved NCCP permit. The Project areas are located throughout the City and therefore within the boundaries of the SAP.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** City of San Diego

**Objective:** The Project objectives are to identify the City's housing, climate, and mobility goals, and implement those goals throughout the City at the individual Community Plan level. Land use and mobility thresholds will be established near and within future and existing Transit Priority Areas throughout the City. This will guide a development framework for strategic land use planning, and make sure that future development is compatible with the City's General Plan and individual Community Plans. A key objective of the Project will be to further the City's Climate Action Plan (CAP) and achieve the City's greenhouse gas emissions reductions targets. The Project will include General Plan and Community Plan amendments, City Municipal Code amendments, and zoning changes.

**Location:** The Project area encompasses the entire City, which covers approximately 372 square miles in the southwest corner of California. It is bound to the west by the Pacific Ocean, and to the east and south by the cities of Santee, La Mesa, and Lemon Grove, unincorporated County of San Diego lands, and National City. The Project area is bound to the north by the cities of Del Mar, Solana Beach, Escondido, and Poway, and unincorporated County of San Diego lands. While the Project will guide future Community Plan updates, immediate comprehensive updates are currently ongoing to the Mira Mesa and University Community Plans, and an amendment is currently underway to the Hillcrest Focused Area within the Uptown Community Plan.

The community of Mira Mesa covers approximately 10,729 acres and is bound to the north by Los Peñasquitos Canyon, west by Interstate 805, east by Interstate 15, and to the south by Miramar Road. University City encompasses approximately 8,676 acres in the north-central area of the City, about ten miles north of downtown San Diego. It is bound to the south by State Route 52 and is crisscrossed by Interstate 5 and Interstate 805. It is bound to the east by the community of Mira Mesa and Marine Corps Air Station Miramar (MCAS Miramar), and to the west by the Pacific Ocean and the community of La Jolla.

The Uptown community is located just north of downtown San Diego and covers approximately 2,688 acres. It is bound to the north by Interstate 8, east by Park Boulevard and Balboa Park, and to the west and south by Old Town San Diego and Interstate 5.

## **COMMENTS AND RECOMMENDATIONS**

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

### **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

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upon identifying endangered, threatened, sensitive, regionally and locally unique species, including any Covered Species under the City's SAP, and sensitive habitats. An 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 generally recommends avoiding any sensitive natural communities found within or adjacent to the Project, and that direct and indirect impacts be mitigated consistent with the requirements of the City's MSCP SAP. The PEIR 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 PEIR 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 thorough, recent floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (<https://www.wildlife.ca.gov/Conservation/Plants/Info>). CDFW recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted for the Project using the Vegetation Classification Manual for Western San Diego County (Sproul et al. 2011). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
- c) A complete, recent, assessment of the biological resources associated with each habitat type on-site 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 <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
- d) The PEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on-site 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

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procedures should be developed in consultation with CDFW and the United States Fish and Wildlife Service (USFWS).

- 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 if there was no prevailing drought during the time of the botanical survey.
  - e) Invasive shot hole borers (ISHB) and *Fusarium* dieback represent an increasing threat to many riparian and oak woodland plant communities in southern California. Two similar species of invasive shot hole borer, the Polyphagous shot hole borer (PSHB; *Euwallacea* spp.) and the Kuroshio shot hole borer (KSHB; *Euwallacea* spp.), exist in San Diego. Shot hole borers are ambrosia beetles that form a symbiotic relationship with fungi. PSHB fungal symbionts are *Fusarium euwallaceae*, *Graphium euwallaceae*, and *Paracremonium pembeum*, while KSHB forms a symbiotic relationship with two novel species of *Fusarium* and *Graphium* (Cooperband et al. 2016; Lynch et al. 2016; Eskalen and Stouthamer 2015). These fungi clog the host's vascular tissue leading to branch dieback and eventually tree death. The PEIR should include measures for identifying vulnerable habitat and performing surveys for signs of ISBH presence. If a tree is confirmed to be infested, CDFW recommends chipping the wood to less than one inch and solarizing the chips with a clear, plastic tarp for six weeks up to six months, depending on the temperature and time of year. Infested wood needs to be covered during transport and all tools need to be disinfected after trimming infested trees.
- 2) Biological Direct, Indirect, and Cumulative Impacts. To provide 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 PEIR:
- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should be included. The latter subject should address Project-related changes on drainage patterns on and downstream of all Project areas; 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 discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
  - b) Discussions 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., Multi-Habitat Planning Area within the SAP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the PEIR.
  - c) The zoning of areas for development or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A

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discussion of possible impacts and mitigation measures to reduce these conflicts should be included in the environmental document.

- d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future Project activities, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 3) Sensitive Bird Species. 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 native birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).

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 on-site, 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) Mitigation for Project-related Biological Impacts. To provide a thorough discussion of the mitigation provided for Project-related biological impacts, the following should be addressed in the PEIR:
- a) Mitigation measures to fully avoid and otherwise protect rare natural communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance.
  - b) Mitigation measures should be consistent with the MSCP requirements and generally emphasize avoidance and reduction of Project impacts to sensitive plants, animals, and habitats. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site 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.

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- c) Mitigation measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
- d) CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
- e) Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should 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.

### **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 PEIR:
  - 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.
  - b) A range of feasible alternatives to the Project locations 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) Wetlands and Riparian Habitats. CDFW has responsibility for wetland and riparian habitats, and we strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be “no net loss” of either wetland habitat values or acreage. Development and conversion include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial buffers that preserve the riparian and aquatic values, and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the PEIR and compensate for the loss of function and value of a wildlife corridor.

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CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the PEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2021).

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental documents 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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. 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: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## 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 City in identifying and mitigating Project impacts on biological resources and ensuring Project consistency with the requirements of the City's MSCP SAP. Questions regarding this letter or further coordination should be directed to Melissa Stepek, Senior Environmental Scientist, at (858) 637-5510 or [Melissa.Stepek@wildlife.ca.gov](mailto:Melissa.Stepek@wildlife.ca.gov).

Sincerely,

DocuSigned by:



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David Mayer  
Environmental Program Manager I  
South Coast Region

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ec: CDFW

Karen Drewe, San Diego – [Karen.Drewe@wildlife.ca.gov](mailto:Karen.Drewe@wildlife.ca.gov)  
Jennifer Ludovissy, San Diego – [Jennifer.Ludovissy@wildlife.ca.gov](mailto:Jennifer.Ludovissy@wildlife.ca.gov)  
Susan Howell, San Diego – [Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)  
State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)  
Jonathan Snyder, USFWS – [Jonathan\\_d\\_Snyder@fws.gov](mailto:Jonathan_d_Snyder@fws.gov)

## REFERENCES

- [CDFW] California Department of Fish and Wildlife. 2021. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.
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