



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



August 27, 2021

Governor's Office of Planning & Research

August 27 2021

STATE CLEARINGHOUSE

Don Kraft
 Planning & Development Services
 County of San Diego
 5510 Overland Avenue 3rd Floor
 San Diego, CA 92123
Donald.Kraft@sdcounty.ca.gov

Subject: Dollar General – Major Grading – Campo, PDS2019-LDGRMJ-30250 (Project); Mitigated Negative Declaration (MND); SCH #2021070559

Dear Mr. Kraft:

The California Department of Fish and Wildlife (CDFW) has reviewed the County of San Diego's draft MND for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW 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. 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.*), the project proponent may seek related take authorization as provided by the Fish and Game Code.

¹ CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

PROJECT DESCRIPTION SUMMARY

Proponent: County of San Diego (County)

Objective: The Project is a major grading plan of a vacant parcel, for future commercial development. The objective of the Project is to excavate 7,943 cubic yards, fill 2,724 cubic yards on site, and export 5,220 cubic yards of material.

Location: The proposed Project site is an approximately 2.3-acre vacant lot surrounded by existing residential and commercial properties. The Project site (Assessor Parcel Number (APN) 655-120-09-00) is located east of Dewey Road and north of Campo Road (CA-94) in the unincorporated portion of San Diego County in the community of Campo. The Project site is within the boundaries of the Draft East County Multiple Species Conservation Program Plan (ECMSCP) Study Area. The Project site is mapped as a developed area within the Draft ECMSCP and is not part of a Focused Conservation Area (FCA).

Biological Setting: The topography of the Project site and adjacent land is rolling terrain. Vegetation communities and/or land cover types identified on-site include granitic chamise chaparral, non-native grassland, and urban/developed. No sensitive plant or wildlife species were observed during the general or focused surveys. Focused protocol surveys for the federally Endangered Quino checkerspot butterfly (*Euphydryas editha quino*, quino) were conducted in accordance with the United States Fish & Wildlife (USFWS) survey guidelines once a week from approximately mid-February through mid-May in 2019. No quino were observed on site. Follow-up surveys for sensitive plant species were conducted after each quino survey. No sensitive plant species was found.

Bird species have the potential to nest within the vegetation on site and on the ground within the site. The MND states that there will be no brushing, clearing and/or grading within 300 feet of migratory bird nesting habitat and 500 feet of raptor nesting habitat during the breeding season (between February 1 and August 31). This condition may be waived through written concurrence from the USFWS and CDFW, provided that no migratory birds or raptors are present in the vicinity of the brushing, clearing, or grading as demonstrated by a survey completed no more than 72-hours prior to grading or clearing.

The Project will impact 1.6 acres of granitic chamise chaparral and 0.60 acre of non-native grassland. Project impacts to granitic chamise chaparral and non-native grassland are significant and will require habitat-based mitigation. Habitat based mitigation is proposed off-site to consist of the conservation of 0.3 acre of non-native grassland and 0.8 acre of chaparral. Off-site mitigation will consist of a) purchase of credits in an approved mitigation bank, or b) purchase of compensatory habitat within East County to be preserved through an open space easement over the land dedicated to the County of San Diego, preparation of a Resource Management Plan, selection of a Resource Manager, and provision of an endowment to fund ongoing stewardship actions.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect

impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #1: Purchase of Habitat Credits in a Mitigation Bank Option

Issue: BIO#1 Option 1 and Bio #2 Option 1 in the MND involve the purchase of habitat credits at a mitigation bank to be approved by CDFW; CDFW may not be able to approve the purchase of habitat credits at a mitigation bank given the current parameters BIO#1 Option 1 and Bio #2 Option 1.

Why impact would occur: Wildlife habitat would be permanently lost from the Project site and its geographic vicinity in Campo if CDFW were to approve the purchase of mitigation bank credits as suggested in the MND.

First, the Bio Letter Report proposes purchase of 0.3 acre of non-native grassland and 0.8-acre of chaparral, to compensate for the clearing of 0.6 acre of non-native grassland and 1.6 acres of chaparral, at a ratio of 0.5:1. Because the mitigation would not occur on site or proximate to the impact area, a higher ratio is appropriate to bring impacts of the vegetation clearing to less than significant with mitigation.

Second, the Bio Letter Report proposes purchase of credits within the Cleveland Corridor Mitigation Bank (Bank) located in Ramona, California. The service area of the Bank does not include Campo (the location of the Project Site and its vicinity). The Project site is located over 30 miles from the Bank's southernmost boundary (e.g., the service area for the Bank). Generally, CDFW requires compensatory mitigation at a higher ratio to compensate for the distance of the mitigation from the location where impacts to habitat occurred.

Evidence impact would be significant: A significant impact would potentially occur if the amount of habitat purchased at the mitigation site is not sufficient to compensate for the permanent loss of habitat that may possess localized characteristics and species assemblages from the Project site and its geographic vicinity.

Recommended Potentially Feasible Mitigation Measures

Recommendation #1: To ensure that CDFW will be able to approve habitat credits purchased, we recommend that if in-kind credits cannot be purchased within a mitigation bank that has a service area that includes the Project site, that the ratio of compensatory habitat purchased be increased from 0.5:1 to at least 1.5:1 to reduce impacts to less than significant.

Recommendation #2: The County should, if possible, seek to purchase mitigation credits at a bank that includes Campo within its service area, such as Crestridge Conservation Bank, in which case a mitigation ratio of 0.5:1 would be appropriate.

Recommendation #3: The final MND should be reworded to specify that both the USFWS and CDFW (jointly, the Wildlife Agencies) approve any purchase of credits in a mitigation bank and that Wildlife Agencies approval would occur prior to purchase.

COMMENT #2: Purchase of Land to Mitigate Impacts Option

Issue: BIO#1 Option 2 and Bio #2 Option 2 in the MND describe an alternative to the purchase of credits at a mitigation bank. The Project Applicant would provide for conservation habitat of the same amount and type of land located in East San Diego County, to be pre-approved by County Planning and Development. The MND does not specify a maximum distance from the Project site that would be considered ecologically appropriate. Approval by the Wildlife Agencies is not called for in this alternative.

Evidence impact would be significant: As indicated in Comment #1, a significant impact would potentially occur if the mitigation land purchased is geographically distant from the Project site impacts and amount of habitat purchased at the mitigation site is not sufficient to compensate for the permanent loss of localized habitat.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Recommendation #1: Habitat selected for purchase and preservation should be as located as proximate as is possible to the Project site impacts. Habitat preserved should closely resemble the habitat impacted in terms of soil type and species composition.

Recommendation #2: The final MND should specify that the County will consult with the Wildlife Agencies regarding selection of mitigation land and the appropriate acreage of habitat to compensate the permanent impacts at the Project site.

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

Mr. Don Kraft
County of San Diego
August 27, 2021
Page 5 of 6

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

Sincerely,



David Mayer
Environmental Program Manager I
South Coast Region

ec: CDFW

David Mayer, San Diego – David.Mayer@wildlife.ca.gov
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Meredith Osborne, San Diego – Meredith.Osborne@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
Jennifer Ludovissy, San Diego – Jennifer.Ludovissy@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov
Jonathan Snyder, USFWS – Jonathan_d_Snyder@fws.gov

Attachment A: CDFW Comments and Recommendations

MND Section	Recommendations	Mitigation Measures	Timing	Responsible Party
BIO#1, Option 1 and BIO#2 Option 1	Recommendation #1	To ensure that CDFW will be able to approve habitat credits purchased at the Cleveland Corridor Mitigation Bank, we recommend that if in-kind credits cannot be purchased within a mitigation bank that is geographically closer to and has a service area that includes the Project site, that the ratio of compensatory habitat purchased be increased from 0.5:1 to at least 1.5:1 to reduce impacts to less than significant.	Prior to construction	County of San Diego
	Recommendation #2:	The County should, if possible, seek to purchase mitigation credits at a bank that includes Campo within its service area, in which case a mitigation ratio of 0.5:1 would be appropriate.	Prior to construction	County of San Diego
	Recommendation #3	The final MND should be reworded to specify that both the U.S. Fish and Wildlife Service and CDFW (jointly, the Wildlife Agencies) approve any purchase of credits in a mitigation bank and that Wildlife Agencies approval would occur prior to purchase.	Prior to publication of Final MND	County of San Diego
BIO#1, Option 2 and BIO#2 Option 2	Recommendation #1	Habitat selected for purchase and preservation should be located as proximate as is possible to the Project site impacts. Habitat preserved should closely resemble the habitat impacted in terms of soil type and species composition.	Prior to construction	County of San Diego
	Recommendation #2	The final MND should specify that the County will consult with the Wildlife Agencies regarding selection of mitigation land and the appropriate acreage of habitat to compensate the permanent impacts at the Project site.	Prior to publication of Final MND	County of San Diego