



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

September 28, 2021

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STATE CLEARINGHOUSE

Lisa Coburn-Boyd
Environmental Compliance Specialist
Otay Water District
2554 Sweetwater Springs Blvd
Spring Valley, CA 91978
Lisa.Coburn-Boyd@otaywater.gov

Subject: Cottonwood Sewer Lift Station Replacement (PROJECT); Mitigated Negative Declaration (MND); SCH #2021090010

Dear Ms. Coburn-Boyd:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced MND, dated September 2021, for the Project pursuant to 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.

PROJECT DESCRIPTION SUMMARY

Proponent: Otay Water District (OWD)

Objective: The Project proposes the removal and replacement of an existing sewer lift station with a new and expanded sewer lift station on the adjacent property. The new lift station will increase capacity from 400 gallons per minute (gpm) to between 500 and 600 gpm to better serve anticipated development in the area. The Project also includes expansion of an existing road that provides access to the lift station and an increase in the overall property area to allow for storage and greater functionality.

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.

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Location: The Project is located in the unincorporated community of Jamul in eastern San Diego County, 0.9 mile north of State Route (SR) 94 and 0.6 mile southeast of SR 54. The Project site extends north from the western terminus of Par Four Drive, approximately 1,500 feet west of Steele Canyon Road, and is partially within an abandoned area of the golf course associated with the Cottonwood Golf Club. The existing lift station is located within an 0.18-acre OWD easement. As part of the Project, OWD would acquire 0.19 acre of property to the west of the existing easement, resulting in a total Project site area of 0.37 acre.

Biological Setting: Per the Biological Assessment prepared by HELIX Environmental Planning, Inc. (HELIX 2021), the impact area of the Project consists of disturbed habitat within the abandoned golf course and developed land. However, sensitive biological resources are present on San Diego National Wildlife Refuge (SDNWR) lands immediately adjacent to the southern boundary of the Project site and are thus subject to potential indirect impacts. San Diego ambrosia (*Ambrosia pumila*; federally endangered; CNPS List 1B.1) was observed outside the Project impact area along the fence line separating the Project site from the adjacent SDNWR land. Cooper's hawk (*Accipiter cooperii*; CDFW Watch List) was detected within suitable nesting trees adjacent to the Project site, and California gnatcatcher (*Poliophtila californica*; federally threatened: CDFW Species of Special Concern) was determined to have a high potential to occur in suitable coastal sage scrub within 500 feet of Project construction activities. Although proposed critical habitat for the Hermes copper butterfly (*Lycaena hermes*; proposed federally threatened) occurs south of the project site, this species is not expected to occur near the site due to lack of suitable habitat. The MND proposes to avoid potentially significant impacts to biological resources through implementation of pre-construction surveys, avoidance fencing, construction monitoring, and noise attenuation.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following specific comments and recommendations to assist OWD in avoiding, minimizing, and adequately identifying and/or mitigating Project-related impacts to biological resources. Editorial comments or other suggestions may also be included to improve the document.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Consistency in mitigation measures

Issue: The Otay Water District 2015 Water Facilities Master Plan Update, Final Program Environmental Impact Report, Mitigation Monitoring and Reporting Program (MMRP; Atkins 2016) is to be used by OWD as a Lead Agency under CEQA to ensure compliance with identified mitigation/performance measures that when implemented will reduce potentially significant impacts to biological resources. Table 1 of the MMRP identifies these measures by resource, the person(s) responsible for implementation, and the timing of implementation. While mitigation measures referenced in the MND (MM-Bio-1 thru 3) are similar to those put forth in the MMRP, they are not wholly consistent.

Specific impact: The mitigation measure identified in the MND to reduce impacts to San Diego ambrosia below a level of significance (MM-Bio-1) corresponds to mitigation measures MM-Bio-1C and MM-Bio-1D in the MMRP. However, the mitigation measures in the MMRP provide greater detail on how to reduce impacts to sensitive biological resources adjacent to the project site. CDFW is particularly concerned about the maintenance of an adequate buffer between the identified population of San Diego ambrosia and construction activities. Incorporation of additional

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measures included in the MMRP (such as requiring a qualified biologist to conduct a pre-construction meeting to instruct construction crews on avoidance of sensitive species adjacent to the project site, and installation plus monitoring of temporary fencing around identified sensitive resources) would alleviate some of this concern.

Similarly, mitigation measures identified in the MND to reduce impacts to California gnatcatcher and other protected avian species (MM-Bio-2 and MM-Bio-3) correspond to mitigation measures MM-Bio-1B(i-iii) in the MMRP, which provide additional details on pre-construction nest surveys, noise monitoring, buffer distances, and other avoidance measures for active nesting birds.

Why impact would occur: If OWD does not implement the mitigation measures as provided under the MMRP, consistency will not be maintained between projects and impacts to sensitive biological resources may not be minimized.

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

Recommendation #1:

CDFW recommends that OWD verify that all mitigation measures identified under the MMRP to reduce potentially significant direct and indirect impacts to the sensitive biological resources present on site are implemented under the MND.

COMMENT #2: Construction staging location

Issue: The MND states that construction staging would occur within the Project site or (emphasis added) within adjacent disturbed areas of the abandoned golf course. The staging of construction equipment or materials outside the Project site footprint identified in the MND would be an additional impact not analyzed by the document.

Specific impact: Although land outside the Project site but within the abandoned golf course has been identified as disturbed habitat, it potentially functions as foraging habitat for wildlife species and as a linkage between adjacent open space areas.

Why impact would occur: Sitting construction equipment and/or supplies outside the impact area analyzed under the MND could result in additional, undisclosed impacts to wildlife and other biological resources.

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

Recommendation #2:

CDFW recommends that all staging for construction equipment and materials be located within the direct impact area for the Project, as identified in the MND, and as distant from the adjacent preserve and population of San Diego ambrosia as feasible. Per MM-Bio-1D of the MMRP, construction staging areas should be located a minimum of 100 feet from areas supporting sensitive habitat or species.

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II. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #3: Lighting impacts adjacent to conserved lands

Issue: As stated in the MND, project construction is expected to occur during daylight hours (between of 7:00 a.m. and 7:00 p.m.) and use of construction lighting is not anticipated. It is further stated that little to no lighting would be required for operation of the proposed facilities. As a result, the MND does not include any provisions for reducing potential impacts to sensitive wildlife species on adjacent preserve lands from temporary lighting during project construction or from permanent facility lighting.

Specific impact: Night lighting associated with construction or permanent outdoor facilities may alter nocturnal behavior patterns of wildlife that use adjacent native habitats for nesting and foraging. Night lighting also gives nocturnal predators an unnatural advantage over prey species, which could cause an increased loss of native wildlife.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure #1:

To reduce impacts to less than significant: To account for potentially significant indirect impacts to wildlife from any unanticipated project-related lighting, OWD shall incorporate Mitigation Measure Ene-PDF-2 from the MMRP, which requires that such lighting to be of low illumination (i.e., light emitting diodes with motion-sensor lighting controls), shielded, and directed downwards and away from adjacent habitat areas.

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.)

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CONCLUSION

CDFW appreciates the opportunity to review and comment on the MND and assist OWD in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Heather Schmalbach, Environmental Scientist, at Heather.Schmalbach@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Jennifer Turner

C3D449ECB7C14DE...

Jennifer Turner, signing for

David A. Mayer
Environmental Program Manager I
South Coast Region

Attachments

- A. CDFW Comments and Recommendations

ec: CDFW

Karen Drewe, San Diego – Karen.Drewe@wildlife.ca.gov

Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov

Heather Schmalbach, San Diego – Heather.Schmalbach@wildlife.ca.gov

Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov

State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

Jonathan Snyder, USFWS – Jonathan_d_Snyder@fws.gov

REFERENCES

HELIX Environmental Planning, Inc. (HELIX). 2021. Biological Assessment for the Cottonwood Sewer Lift Station Replacement Project. June 25.

Atkins. 2016. Otay Water District 2015 Water Facilities Master Plan Update, Final Program Environmental Impact Report, Mitigation Monitoring and Reporting Program. November.

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Attachment A:

CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations

	Mitigation Measures	Timing	Responsible Party
Recommendation #1	CDFW recommends that Otay Water District verify that all mitigation measures identified under the Mitigation Monitoring and Reporting Program (MMRP, Atkins 2016) to reduce potentially significant direct and indirect impacts to the sensitive biological resources present on site are implemented under the MND.	Prior to construction	Otay Water District
Recommendation #2	CDFW recommends that all staging for construction equipment and materials be located within the direct impact area for the Project, as identified in the MND, and as distant from the adjacent preserve and population of San Diego ambrosia as feasible. Per MM-Bio-1D of the MMRP, construction staging areas should be located a minimum of 100 feet from areas supporting sensitive habitat or species.	Prior to and during construction	Otay Water District
Mitigation Measure #1	To account for potentially significant indirect impacts to wildlife from any unanticipated project-related lighting, CDFW recommends incorporation of Mitigation Measure Ene-PDF-2 from the MMRP, which requires that such lighting to be of low illumination (i.e., light emitting diodes with motion-sensor lighting controls), shielded, and directed downwards and away from adjacent habitat areas.	Prior to construction	Otay Water District