



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



February 4, 2022

Governor’s Office of Planning & Research

Feb 04 2022

Robert Hingtgen, Planner III
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Robert.Hingtgen@sdcounty.ca.gov

STATE CLEARINGHOUSE

Subject: Sandia Creek Drive Bridge Replacement and Fish Passage (PROJECT), Mitigated Negative Declaration (MND), SCH #2022010063

Dear Mr. Hingtgen:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the County of San Diego 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.), related authorization as provided by the Fish and Game Code will be required.

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.

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 2 of 14

PROJECT DESCRIPTION SUMMARY

Proponent: California Trout

Objective: The Project consists of the removal and replacement of a low-flow concrete box culvert river crossing over the Santa Margarita River (River) on Sandia Creek Drive. The existing box culvert crossing, which constitutes a fish passage barrier for southern California steelhead (steelhead; *Oncorhynchus mykiss*; Endangered Species Act (ESA)-listed endangered), will be removed following construction of a new steel and concrete span bridge. California Trout is proposing this replacement due to the fish passage impediment at the current bridge. The new bridge will span 574 feet, with an abutment including wing walls at either end of the bridge and two piers in between. It is designed to pass the 100-year peak discharge with one foot of freeboard pursuant to the San Diego County Hydraulic Design Manual. For the duration of Project activities, a temporary trail approximately eight feet in width and 600 feet in length will be constructed south of and above Sandia Creek Drive between the south end of the construction zone at Sandia Creek Drive and the existing parking lot for the Santa Margarita Trail Preserve; this will maintain trail access around the site and to trails upstream and downstream of the project site.

The total Project area (study area), which consists of the proposed Project's permanent and temporary impact area plus a 300-foot buffer, totals approximately 36.38 acres.

Location: The Project is located within an unincorporated portion of the County, in a rural area approximately two miles north of the village area of Fallbrook, 160 feet southwest of the intersection of Rock Mountain Drive and Sandia Creek Drive where Sandia Creek Drive crosses the Santa Margarita River (APN 102-250-24-00), in the Fallbrook Community Planning Area. The Project site is adjoined by United States Marine Corps Base Camp Pendleton to the west, low density residential tracts in Sandia Creek and Rock Mountain Canyons to the north, and the Santa Margarita Trail Preserve to the east.

Biological Setting: The River provides overall biological value to the watershed, is a historic stream for steelhead, and functions as a wildlife movement corridor. The new bridge will eliminate the sole remaining fish passage barrier on the River mainstem to provide unimpeded passage from the ocean to the headwaters, 29 miles inland at the Santa Margarita Ecological Reserve. This Project provides steelhead access to 12 miles of upstream historical spawning and rearing habitat.

The site and surrounding area support native vegetation, including Diegan coastal sage scrub, granitic chamise chaparral, scrub oak chaparral, non-native grassland, southern cottonwood-willow riparian forest, southern willow scrub, and coast live oak woodland habitat. These plant communities and land cover types can be generalized to include scrub and chaparral (10.50 acres), valley and foothill grassland (1.40 acres), riparian and bottomland habitat (15.80 acres), woodland (2.60 acres), and non-natural land covers/unvegetated communities (6.12 acres). The study area also contains United States Fish and Wildlife Service (USFWS) designated Critical Habitat for arroyo toad (*Anaxyrus californicus*; ESA-listed endangered), least Bell's vireo (vireo; *Vireo bellii pusillus*; CESA- and ESA-listed endangered), southwestern willow flycatcher (*Empidonax traillii extimus*; CESA- and ESA-listed endangered), and coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened).

The study area is located within the draft North County Multiple Species Conservation Program (NCMSCP) Plan Area. Additionally, the Project site is near the middle of a 1,400-acre parcel

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 3 of 14

recently acquired by The Wildlands Conservancy from Fallbrook Public Utility District and is managed as open space for conservation and recreation uses.

Timeframe: Construction of this span bridge and removal of the existing crossing will occur over a period of approximately two years (currently scheduled to begin in May 2022 and to end in March 2024). The temporary trail is anticipated to be constructed during early 2022 following approval of the grading plan and ahead of the start of bridge construction (currently scheduled to occur between January 2022 to March 2022).

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 are also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #1: Possible Steelhead CESA Listing

Issue: Southern California steelhead was formally petitioned and is currently undergoing evaluation by CDFW to potentially become a CESA-listed species. A decision by the Fish and Game Commission in this regard is likely to occur during or prior to the Project construction and subsequent mitigation and monitoring period.

The Santa Margarita River is included in the Southern California steelhead Recovery Planning Area and is designated as a high priority Southern California steelhead recovery river according to an intrinsic potential analysis. The NMFS Southern California steelhead Recovery Plan required by the federal ESA was published in January 2012 (NMFS 2012). CDFW acknowledges that the Project will ultimately provide great benefit to steelhead, and that improving steelhead passage was the primary impetus for the Project.

Recommended Mitigation Measure 1: If Southern California steelhead does become listed (or advanced as a Candidate Species for listing) by the Fish and Game Commission, Project activities will need to be formally coordinated with CDFW to remain consistent with the requirements of CESA.

COMMENT #2: Potential Take of Vireo

Issue: Mitigation Measure BIO#12 (M-BI-4) and Mitigation Measure BIO#13 (M-BI-5) provide avoidance measures for vireo. Given that vireo is CESA-listed, if impacts to vireo cannot be fully avoided, an Incidental Take Permit (ITP) may need to be secured from CDFW prior to Project activities.

Specific impact: While CDFW concurs that M-BI-4 and M-BI-5 will fully avoid take of vireo, deviation from seasonal avoidance and/or large avoidance buffers may result in take. Given that take of a CESA-listed species is considered significant under CEQA even with mitigation, an ITP cannot be issued with MND-level CEQA analysis (CEQA Guidelines § 15064).

Mr. Robert Hingtgen
 County of San Diego, Planning & Development Services
 February 4, 2022
 Page 4 of 14

Why impact would occur: If adherence to mitigation measures does not occur, the Project could result in take of CESA-listed species and/or their habitat. Suitable nesting habitat for vireo exists within the Project site, and construction activities will result in the permanent loss of suitable habitat and temporary removal of suitable habitat. Construction noise, vibration, dust, or human disturbance could result in temporary or long-term loss of suitable nesting and foraging habitats on or adjacent to the Project site.

Evidence impact would be significant: Regarding CESA-listed species, take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b), (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation, monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation, monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

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

Mitigation Measure #2:

To reduce impacts to less than significant: CDFW recommends complete avoidance of occupied vireo habitat and a 500-foot buffer during nesting season to avoid take of vireo under CESA. CDFW recommends adding an additional vireo-specific mitigation measure that states:

“[v]egetation clearing shall occur outside of least Bell’s vireo (Vireo bellii pusillus; vireo) nesting season (March 15th through September 15th) to avoid impacts to vireo. Prior to initiation of construction activities within 500 feet of suitable nesting or foraging habitat, a CDFW-approved biologist with experience surveying for and observing least Bell’s vireo shall conduct preconstruction surveys in accordance with established protocols to establish use of nesting habitat. Surveys shall be conducted within and adjacent to suitable habitat, where access allows, during the nesting season. If a nest is found, no activity shall occur within a 500-foot buffer of the nest until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site. If impacts to vireo cannot be avoided and take will occur, an Incidental Take Permit or Consistency Determination under CESA shall be required.”

COMMENT #3: Scientific Collecting Permit and Relocation of Steelhead

Issue: Mitigation Measure BIO#6 (M-BI-8) does not adequately address specific measures regarding the relocation of southern California steelhead.

Specific Impact: Although M-BI-8 addresses mitigation to avoid impacts to special-status fishes, this measure does not include the requirement to obtain a Scientific Collecting Permit (SCP) prior to any relocation of a species. M-BI-8 indicates that, to mitigate any potential inadvertent

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 5 of 14

disturbance to southern California steelhead, the project biologist will implement a steelhead rescue and relocation protocol for dewatering activities that is protective of juvenile and adult steelhead.

Why impact would occur: According to the Biological Technical Report, special-status wildlife species with a high potential to occur or forage within the project area include steelhead. There is documentation of steelhead runs in coastal California, of inland resident rainbow trout populations, and of historic usage of steelhead along coastal Southern California (Abadia-Cardoso et al. 2016; NMFS 2016). Additionally, the Santa Margarita River is included in the Southern California steelhead Recovery Planning Area and is designated as a high priority Southern California steelhead recovery river according to an intrinsic potential analysis (NMFS 2012). One steelhead individual was incidentally observed within the study area in 2020 during a focused survey for least Bell's vireo and southwestern willow flycatcher, although the sighting was not confirmed by a fisheries biologist.

Evidence impact would be significant: CDFW currently implements its authority to issue permits for the take or possession of wildlife, including mammals, birds, and the nests and eggs thereof, reptiles, and amphibians, fish, certain plants, and invertebrates for scientific, educational, and propagation purposes through Section 650, Title 14, California Code of Regulations, by issuing SCPs.

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

Mitigation Measure #3

To reduce impacts to less than significant: CDFW recommends the following mitigation measure be incorporated into the MND:

"[t]he County shall obtain a SCP prior to relocating any sensitive species from the Project site. A Species Relocation Plan may be appropriate to establish protocol for relocation of wildlife, including guidelines for the SCP-holding biologist to capture unharmed and release found species in appropriate habitat an adequate distance from the project site. Coordination with CDFW and/or the USFWS or National Marine Fisheries Service (NMFS), respectively, shall be required in the case of CESA- and/or ESA- listed species."

COMMENT #4: Scientific Collecting Permit and Relocation Plan Obligations for Southwestern Pond Turtle

Issue: Mitigation Measure BIO#5 (M-BI-6) does not adequately address impacts that could occur as a result of relocation of southwestern pond turtles (*Actinemys pallida*), a CDFW Species of Special Concern.

Specific impact: Although M-BI-6 addresses mitigation to avoid impacts to special-status reptiles, this measure does not include the requirement to obtain a SCP prior to any relocation of a species. M-BI-6 indicates that, within 72 hours prior to construction activities, a qualified biologist will survey for southwestern pond turtles within the limits of work. If southwestern pond turtles are detected, the biologist shall relocate the turtles to suitable habitat outside of the work area.

Why impact would occur: According to the Biological Technical Report, one southwestern pond turtle was recorded during a survey near the southern bank of the river within the direct vicinity of the impact area in a 2020 survey.

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 6 of 14

Evidence impact would be significant: CDFW currently implements its authority to issue permits for the take or possession of wildlife, including mammals, birds, and the nests and eggs thereof, reptiles, and amphibians, fish, certain plants, and invertebrates for scientific, educational, and propagation purposes through Section 650, Title 14, California Code of Regulations, by issuing SCPs.

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

Mitigation Measure #4

To reduce impacts to less than significant: Due to the possible presence of southwestern pond turtle, CDFW encourages the County to obtain a SCP prior to relocating any southwestern pond turtle from the Project site. A Species Relocation Plan may be appropriate to establish protocol for relocation of wildlife, including guidelines for the SCP-holding biologist to capture unharmed and release found species in appropriate habitat an adequate distance from the project site, unless they are a CESA- and/or ESA- listed species in which case coordination and direction from CDFW and/or the USFWS, respectively, shall be required. To reduce potential impacts to the southwestern pond turtle to less than significant, CDFW recommends the below language be incorporated into M-BI-6:

“[a] Biological Monitor shall be present on site during all vegetation clearing and construction activities, even if pond turtles are not detected during pre-construction surveys. If a southwestern pond turtle enters the construction area following pre-construction trapping, the Biological Monitor shall have the authority to halt construction that could harm the turtle, until the individual can be captured and relocated. The Biological Monitor shall contact the Construction Lead and CDFW immediately to notify them of the observation. If the southwestern pond turtle has not been captured after four days of trapping, the Construction Lead shall contact CDFW to determine whether trapping will be extended, or for authorization to continue construction activities.”

COMMENT #5: Mitigation for Impacts to Oak Root Zone

Issue: Mitigation Measure BIO#1 (M-BI-12) may not adequately reduce impacts to the 2.32 acres of coast live oak woodland within the study area to below significant due to insufficient success criteria and the timing of the proposed mitigation and monitoring.

Specific Impact: The summarized Revegetation Plan only requires five years of mitigation and monitoring for oak woodlands. CDFW recommends ten years of monitoring to fully evaluate the success of mitigation for this habitat type.

Why impact would occur: Generally, revegetation success of oaks is challenging due to low survival rate, and five years of monitoring and maintenance is insufficient to determine if the mitigation will have long-term success.

Evidence impact would be significant: The California Public Resources Code (PRC) requires that the significant effect of oak woodland conversion be mitigated (PRC § section 21083.4(b)). Additionally, this vegetation community requires mitigation per the Guidelines for Determining Significance and Report Format and Contents Requirements (County of San Diego 2010).

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

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 7 of 14

Mitigation Measure #5

To reduce impacts to less than significant: CDFW recommends that the following language be incorporated into the success criteria of the Revegetation Plan as outlined in M-BI-12:

- *trees less than 5 inches diameter at breast height (DBH) shall be replaced at 3:1;*
- *trees between 5 and 12 inches DBH shall be replaced at 5:1;*
- *trees between 12 and 36 inches DBH shall be replaced at 10:1; and,*
- *trees greater than 36 inches DBH shall be replaced at 20:1.*

Oak woodland restoration shall use locally collected acorns or saplings grown from collected acorns. Appropriate understory species shall also be included to enhance structural diversity of the mitigation site. The site shall be monitored and managed for a minimum of 10 years to ensure success of the restoration effort.

We also request that the following language be added to M-BI-12:

The Revegetation Plan, including contingencies in the case of failed mitigation, shall be sent to CDFW and the USFWS for review and approval prior to the start of construction activities.

COMMENT #6: Noise

Issue: Measure BIO#16 (M-BI-1) may not adequately mitigate for potential noise impacts to sensitive species within the Project area, due to a prolonged increase in noise, measured in decibels (dBA).

Specific Issue: Section 8.3.2 of the Biological Resources Letter states that, "...installation and presence of physical noise barriers would be more detrimental than beneficial as it could impact wildlife movement through the area and would require direct impacts to habitat in order to install." CDFW requests more information as to how this conclusion was reached.

Why impact would occur: Generally, average noise levels above 60 dBA are considered to negatively impact nesting birds and other wildlife. Regarding noise levels resulting from construction, the Noise Technical Report states that, "...typical 1-hour average noise levels during ground clearing and grading activities range from approximately 75 to 80 dBA at 50 feet from the closest construction work area".

Evidence impact would be significant: The MND and Appendix G of the CEQA Guidelines state that impacts to sensitive species and other wildlife are significant. The mitigation measure as proposed does not ensure that impacts are mitigated below significance, as there is potential to indirectly impact least Bell's vireo and other avian species.

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

Recommendation #1

To reduce impacts to less than significant: CDFW requests that the County provide additional guidance as to why physical noise barriers are expected to be more detrimental than beneficial in the Project area. Absent of such guidance, CDFW requests that noise mitigation in the context of its impact on biological resources be discussed at length in the MND.

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 8 of 14

Mitigation Measure #6

To reduce impacts to less than significant: CDFW recommends that specific noise level mitigation be included in the MND and incorporate the following elements:

“[t]o avoid and minimize noise-related impacts to wildlife, the MND shall fully describe methods (i.e., barriers/walls, sound muffling devices on mechanized equipment, etc.) that will be implemented to attenuate project-related construction and operational noise levels in excess of ambient levels as measured at the edge of sensitive habitats.”

Hydrological and Engineering Comments

COMMENT #7: Removal of Non-Native Materials

CDFW understands that the existing crossing will be removed; however, some details of the removal are difficult to interpret. Figure A3 of the Storm Water Quality Management Plan appears to show a portion of asphalt roadway remaining near or within the watercourse on the south side of the crossing. Similarly, the MND and associated documents reference the removal of the concrete box culverts, but do not address the removal of Rock Slope Protection (RSP; also known as riprap), foundation, or other grade control elements of the crossing. All non-native materials related to the crossing should be removed from the watercourse during this project.

COMMENT #8: Rock Slope Protection and Granular Filter Design

CDFW was unable to locate details of the RSP at Abutment 1 and Piers 2 and 3; additionally, the thickness of the proposed RSP is not consistently stated. Improvement Sheet B2 shows the use of geotextile fabric in the RSP design. CDFW strongly discourages the use of any geotextile or filter fabric of any kind to be used within bed, bank, or channel. For all placement of rock riprap, CDFW recommends the use of a granular filter design in lieu of filter fabric. This is a layer of fine crushed gravel that acts as a filter and would therefore not require the installation of filter fabric. Additional information on Granular Filter design can be found here:

- California Department of Transportation (Caltrans). 2014. Design Information Bulletin No. 87-01 - Hybrid Streambank Revetments: Vegetated Rock Slope Protection, pages 33- 36. Caltrans, Sacramento, CA. <https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib87-01.pdf> [Section 7.1.2].

Additionally, consideration should be given to incorporating vegetation into the RSP design where appropriate.

COMMENT #9: Modeling

A representative hydraulic model is important to evaluate the hydraulic characteristics (e.g., velocities) in the existing conditions, proposed conditions, and ultimate conditions. The characteristics of a representative hydraulic model are:

- 1) high quality surveyed data;
- 2) proper model development; and,
- 3) validation and calibration of model simulated data to measured data.

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 9 of 14

The steady flow Hydrologic Engineering Center River Analysis System model seems to have been developed properly using surveyed data but is not calibrated or validated to measured data. CDFW recommends comparing the simulated flood depth and flood extent to the nearby USGS gage measurements (USGS # 11044300) to validate the accuracy of the simulation process.

The hydraulic report does not provide any information on the velocities in the proposed or existing conditions. However, it includes a comparison of the maximum water surface elevations in the existing conditions and the proposed conditions along the length of channel modeled. This comparison shows higher water surface elevations in the proposed conditions over the existing, in the immediate vicinity of the Project, which implies lower water velocities in the proposed conditions compared to existing. This is not the typical expectation. The increases seem to be artificial and stemming from the use of high manning's n of 0.15 in the proposed work area impacted by grading per the San Diego County Hydraulic Design Manual.

Having access to the hydraulic model will help CDFW better understand the velocity changes in the proposed conditions over the existing.

COMMENT #10: Adaptive Management and Fish Passage Monitoring

The Project does not appear to prescribe a specific channel form or location forced by hardened features, but lets the system find its own balance after removing the human constraints on the fluvial landscape. Adaptive management is key to successful nature-based restoration approaches and a plan to monitor the area for development of fish passage impediments should be established. Use of simple treatments (e.g., Bank-attached Post Assisted Log Structures), to adaptively manage minor impediments should be considered since these features are inherently impermanent and would allow the system to continue adjusting towards equilibrium.

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 filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to 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 MND to assist the County of San Diego in identifying and mitigating Project impacts on biological resources.

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 10 of 14

Questions regarding this letter or further coordination should be directed to Alex Troeller, environmental scientist at (858) 354-4299 or Alex.Troeller@wildlife.ca.gov.

Sincerely,

DocuSigned by:

D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

Attachments:

A. CDFW Comments and Recommendations

cc: CDFW

Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Jennifer Ludovissy, San Diego – Jennifer.Ludovissy@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

REFERENCES

Abadia-Cardoso, A., Pearse, D.E., Jacobson, S., Marshall, J., Dalrymple, D., Kawasaki, F., RuizCampos, G and J.C. Garza. 2016. Population genetic structure and ancestry of steelhead/rainbow trout (*Oncorhynchus mykiss*) at the extreme southern edge of their range in North America. *Conservation Genetics* 17: 675–689.

California Natural Diversity Database (CNDDDB). 2021. RareFind 5 [Internet]. California Department of Fish and Wildlife, Government Version.

County of San Diego. 2010. County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources. Fourth Revision. Land Use and Environment Group, Department of Land Use and Planning & Development Services, Department of Public Works. September 15, 2010. https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological_Guidelines.pdf

County of San Diego. 2021. “Planning Agreement by and among the County of San Diego, the California Department of Fish and Game, and the United States Fish and Wildlife Services regarding the North and East County Multiple Species Conservation Program Plans: Natural Community Conservation Program Plans and Habitat Conservation Plan.” Restated and Amended March 2021. <https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/2021-PlanningAgreementRestatedandAmended.pdf>

Luke, C., K. Penrod, C. R. Cabañero, P. Beier, W. Spencer, and S. Shapiro. 2004. A Linkage Design for the Santa Ana – Palomar Mountains Connection. San Diego State University Field Station Programs and South Coast Wildlands. http://www.scwildlands.org/reports/scml_santaana_palomar.pdf

Mr. Robert Hingtgen
County of San Diego, Planning & Development Services
February 4, 2022
Page 11 of 14

NMFS (National Marine Fisheries Service). 2012. Southern California Steelhead Recovery Plan. Southwest Region, Protected Resources Division, Long Beach, California.

Public Resources Code – PRC. 2020. Division 13. Environmental Quality [21000 - 21189.70.10]. California Legislative Information.
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&title=&part=&chapter=2.6.&article=

United States Fish and Wildlife Service. 2001. Least Bell's Vireo Survey Guidelines. Available:
<https://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/LBVireo.2001.protocol.pdf> .

Mr. Robert Hingtgen
 County of San Diego, Planning & Development Services
 February 4, 2022
 Page 12 of 14

Attachment A:

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

| | Mitigation Measures | Timing | Responsible Party |
|-----------------------|---|--|---|
| Mitigation Measure #1 | If Southern California steelhead does become listed (or advanced as a Candidate Species for listing) by the Fish and Game Commission, Project activities will need to be formally coordinated with CDFW to remain consistent with the requirements of CESA. | Possibly prior to and during construction activities | County of San Diego |
| Mitigation Measure #2 | Vegetation clearing shall occur outside of least Bell's vireo (<i>Vireo bellii pusillus</i> ; vireo) nesting season (March 15th through September 15th) to avoid impacts to vireo. Prior to initiation of construction activities within 500 feet of suitable nesting or foraging habitat, a CDFW-approved biologist with experience surveying for and observing least Bell's vireo shall conduct preconstruction surveys in accordance with established protocols to establish use of nesting habitat. Surveys shall be conducted within and adjacent to suitable habitat, where access allows, during the nesting season. If a nest is found, no activity shall occur within a 500-foot buffer of the nest until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site. If impacts to vireo cannot be avoided and take will occur, an Incidental Take Permit or Consistency Determination under CESA shall be required. | During construction activities | County of San Diego, Biological Monitor |
| Mitigation Measure #3 | The County shall obtain a SCP prior to relocating any sensitive species from the Project site. A Species Relocation Plan may be appropriate to establish protocol for relocation of wildlife, including guidelines for the SCP-holding biologist to capture unharmed and release found species in appropriate habitat an adequate distance from the project site. Coordination with CDFW and/or the USFWS or NMFS (where appropriate), respectively, shall be required in the case of CESA- and/or ESA- listed species. | Prior to construction activities | County of San Diego, Biological Monitor |

Mr. Robert Hingtgen
 County of San Diego, Planning & Development Services
 February 4, 2022
 Page 13 of 14

| | | | |
|------------------------------|--|--|--|
| <p>Mitigation Measure #4</p> | <p>A Biological Monitor shall be present on site during all vegetation clearing and construction activities, even if pond turtles are not detected during pre-construction surveys. If a southwestern pond turtle enters the construction area following pre-construction trapping, the Biological Monitor shall have the authority to halt construction that could harm the turtle, until the individual can be captured and relocated. The Biological Monitor shall contact the Construction Lead and CDFW immediately to notify them of the observation. If the southwestern pond turtle has not been captured after four days of trapping, the Construction Lead shall contact CDFW to determine whether trapping will be extended, or for authorization to continue construction activities.</p> | <p>Prior to and during construction activities</p> | <p>County of San Diego, Biological Monitor</p> |
| <p>Mitigation Measure #5</p> | <p>The Revegetation Plan, including contingencies in the case of failed mitigation, shall be sent to CDFW and the USFWS for review and approval prior to the start of construction activities.</p> <p>The Revegetation Plan shall include the following success criteria:</p> <ul style="list-style-type: none"> • trees less than 5 inches diameter at breast height (DBH) shall be replaced at 3:1; • trees between 5 and 12 inches DBH shall be replaced at 5:1; • trees between 12 and 36 inches DBH shall be replaced at 10:1; and, • trees greater than 36 inches DBH shall be replaced at 20:1. <p>Oak woodland restoration shall use locally collected acorns or saplings grown from collected acorns. Appropriate understory species shall also be included to enhance structural diversity of the mitigation site. The site shall be monitored and managed for a minimum of 10 years to ensure success of the restoration effort.</p> | <p>Prior to and during construction activities</p> | <p>County of San Diego</p> |

Mr. Robert Hingtgen
 County of San Diego, Planning & Development Services
 February 4, 2022
 Page 14 of 14

| | | | |
|-----------------------|--|---|---------------------|
| Mitigation Measure #6 | To avoid and minimize noise-related impacts to wildlife, the MND shall fully describe methods (i.e., barriers/walls, sound muffling devices on mechanized equipment, etc.) that will be implemented to attenuate project-related construction and operational noise levels in excess of ambient levels as measured at the edge of sensitive habitats.” | Prior to and during construction activities | County of San Diego |
| Recommendation | | | |
| Recommendation #1 | CDFW requests that the County provide guidance as to why physical noise barriers are expected to be more detrimental than beneficial in the Project area. Absent of such guidance, CDFW requests that noise mitigation in the context of its impact on biological resources be discussed in the MND. | Prior to construction activities | County of San Diego |