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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

June 03 2022

June 3, 2022

STATE CLEARINGHOUSE

Adriana Jaramishian
 Associate Planner
 City of Del Mar
 1050 Camino Del Mar
 Del Mar, CA 92014
AJaramishian@delmar.ca.us

Subject: Camino Del Mar Bridge Replacement Project (Project), Mitigated Negative Declaration (MND), SCH #2022050089

Dear Ms. Jaramishian:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Del Mar's MND 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.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may also 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.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City was a local jurisdiction

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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participant in the early planning of the Subregional Multiple Species Conservation Program (MSCP) in the 1990's. However, a subarea plan (SAP) was not finalized and no permits were issued to the City by the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Del Mar (City)

Objective: The Project would replace the existing Camino Del Mar bridge (bridge No. 57C-0209) to provide continued vehicle, pedestrian, and bicycle movement along Camino Del Mar as it crosses the San Dieguito Lagoon in the City. The Project would maintain critical north-south access along the same horizontal roadway alignment with an improved design for access and public safety, and improved reliability of future access in consideration of projected coastal hazards. The replacement bridge design consists of a five-span cast-in-place prestressed concrete box girder bridge that would be slightly longer, wider, and higher than the existing bridge. The number of piers in the lagoon would be reduced from 10 to 4. The roadway approach zones within Camino Del Mar would also require modifications to accommodate the raised elevation of the bridge, including sidewalk reconstruction to meet the proposed pedestrian sidewalks on both sides of the replacement bridge.

Location: The Camino del Mar bridge (bridge) is located in western San Diego County 1.01 miles west of Interstate (I-) 5 within the City. The Project site is located on Camino del Mar, south of Via de la Valle and Border Avenue, north of 23rd Street, and crosses the San Dieguito River Lagoon mouth with the Pacific Ocean. The project is in the City's Floodway Zone and is in the Coastal Zone; however, is not within a review area under the National Oceanic and Atmospheric Administration (NOAA). The Project is located within the Lagoon Overlay Zone of the City's Local Coastal Program Implementing Ordinances.

Biological Setting: Various components of the Project could potentially have significant temporary and permanent impacts on both marine and terrestrial biological resources and organisms without mitigation. A general biological survey, including vegetation mapping, was conducted for the Project site and an approximately 200-foot surrounding area (i.e., study area) on July 16, 2018, to verify and update the previous mapping conducted in 2012, 2013, and 2015. An additional biological survey of the study area was conducted on June 30, 2021, to verify site conditions were consistent with the results of previous studies and to update supporting maps. All biological surveys were conducted by HELIX Environmental, including focused surveys for sensitive plant and bird species.

Approximately 12.83 acres of potentially jurisdictional waters of the U.S. were identified in the Project study area, consisting of 1.71 acres of wetlands and 11.12 acres of non-wetland waters. Areas considered waters of the U.S. may be subject to United States Army Corps of Engineers (USACE) and RWQCB jurisdiction. These 12.83 acres as well as an additional 0.01 acre of Southern Willow Scrub are also considered potentially jurisdictional habitats and coastal wetlands, under the jurisdiction of CDFW and California Coastal Commission, respectively. Specifically, these areas consist of 1.72 acres of wetlands/special aquatic sites and 11.12 acres of non-wetland waters.

Three sensitive plant species were detected in the study area: red sand-verbena (*Abronia maritima*), southwestern spiny rush (*Juncus acutus* var. *leopoldii*), and Torrey pine (*Pinus*

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torreyana ssp. *torreyana*). Although found present in the study area, none of these three plant species were detected within the Project site itself. No federally or state listed endangered or threatened plant species were found to be present in the study area.

One special-status animal species was detected in the Project study area during surveys for the Project, the CESA-listed endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingii*). Three Belding's savannah sparrow territories were found in the Project study area during the 2013 surveys east of the bridge, no individuals were observed during surveys in 2018, and three territories were observed in 2022, east of the bridge in habitat on the east side of the lagoon. Suitable nesting and foraging habitat for this species does not occur within the impact area; therefore, implementation of the Project is not anticipated to result in direct impacts Belding's savannah sparrow or its habitat/territory. No other direct impacts to sensitive animal species are expected as a result of the Project.

No impacts to riparian habitat would occur because of the Project; however, direct impacts (permanent and temporary) to other sensitive natural communities/habitats would occur, including Diegan coastal sage scrub (DCSS), including disturbed CSS, beach, intertidal (open water), and mudflat.

Timeline: The proposed Project is estimated to be constructed over 27 months during five distinct construction stages: (1) site preparation; (2) demolition and replacement of the east side; (3) demolition and replacement of the west side; (4) bridge median improvements; and (5) final improvements.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Recommendations may also be included to improve the document.

Specific Comments

CDFW concurs with the Biological Mitigation Measures described in the draft MND to reduce impacts to sensitive species and natural resources. We make the following recommendations regarding mitigation requirements that fall under CDFW's jurisdiction as a Trustee Agency and a Responsible Agency.

1. Results of preconstruction surveys for Belding's savannah sparrow. Belding's savannah sparrow is CESA-listed as endangered. "Endangered species" as defined by CESA means a native species that is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat or change in habitat (Fish and Game Code). As noted in the MND, impacts to Belding's savannah sparrow habitat would likely require the City to seek an Incidental Take Permit (ITP) through Section 2081 of the Fish and Game Code for potential impacts on Belding's Savannah sparrow habitat and provide mitigation for habitat loss. Though the MND states that there is not suitable nesting habitat for Belding's savannah sparrow in the Project impact footprint, we request the City keep CDFW apprised of the results of pre-construction surveys for Belding's.
2. Mitigation for CSS. CDFW concurs with the requirement set in BIO-4 to mitigate for permanent impacts to 0.16 acre of CSS at a 2:1 ratio. In addition, CDFW requests the opportunity to

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review and approve the habitat mitigation plan, including use of off-site mitigation areas. Evidence that on- and off-site mitigation has been purchased and/or placed within a biological open space easement shall be provided to CDFW and City prior to impacts occurring on the Project site.

3. Permitting for impacts to wetlands. We recommend the City engage in early consultation regarding impacts to wetland resources under CDFW jurisdiction.

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 City in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

DocuSigned by:


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David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

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