



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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October 21, 2022

Nicole Revelo, Land Use/Environmental Planner
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Subject: Mt. Woodson Gateway County Preserve Parking Lot (Project) Mitigated Negative Declaration (MND), SCH #2022090403

Dear Ms. Revelo:

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

Finally, CDFW also administers the Natural Community Conservation Planning (NCCP) program (Fish & G. Code, § 2800 et seq.). The County of San Diego participates in the NCCP Program

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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through the implementation of the finalized South County Subarea Plan of the County of San Diego Multiple Species Conservation Program (MSCP) and development of the North County and East County MSCP Plans (NC MSCP and EC MSCP, respectively). CDFW, the United States Fish and Wildlife Service (USFWS; collectively, the Wildlife Agencies), and the County signed the Third Restated and Amended Planning Agreement for the development of the North and East County Multiple Species Conservation Program Plans in March of 2021. The Proposed Project occurs within the plan boundary of the draft NC MSCP Plan. The Planning Agreement includes an interim process to review projects within the Planning Areas to ensure that preliminary conservation objectives and preserve options for establishing a viable reserve system are not precluded and that project impacts are adequately mitigated. Our comments on the proposed Project are provided to assist the County in meeting this objective.

PROJECT DESCRIPTION SUMMARY

Proponent: County of San Diego (County)

Objective: The Project will create parking and a staging area for the existing Mt. Woodson trail network. Currently, visitors to the trail network park on the road shoulders of SR-67 and neighboring streets, which poses a safety concern. The Project will include 252 parking spots, kiosks, portable restrooms, and trash receptacles. Additionally, the Project will include the restriping of SR-67 to create a northbound turn lane accessing the site, a southbound deceleration lane, and access to and from the parking and staging areas via access roads. An existing 36-inch culvert crossing will be replaced by a 50-foot-long prefabricated bridge. This bridge installation would involve concrete abutments for support, retaining walls, and raising the road 2.5 to 4 feet above the existing grade. Drainage that currently runs under the existing culvert crossing would flow beneath the bridge.

Location: The Project is located within unincorporated San Diego County and is in the Ramona Community planning area. The Project site is directly adjacent to SR-67, at the base of the Mt. Woodson trail network. The site comprises approximately nine acres within the approximately 84-acre Mt. Woodson Gateway County Preserve. The surrounding area is a combination of rural residential and open space.

Biological Setting: The County acquired the 84-acre Mt. Woodson Gateway property in 2019 and 75 acres were identified for conservation which will contribute to the Preserve dedicated as part of the County's NC MSCP. The remaining land was joined to another County-owned parcel in anticipation of the parking lot's construction. Two drainages are present in the study area, meeting at the north end of the site.

The Project will result in direct and permanent impacts to 1.42 acres of coast live oak riparian forest, 0.05 acre of chamise chaparral, 1.16 acres of disturbed habitat, 3.42 acres of developed land, 0.02 acre of eucalyptus woodland, 0.29 acre of flat-topped buckwheat, 0.03 acre of granitic northern mixed chaparral, and 0.10 acre of coast live oak woodland. Detailed plans to mitigate the proposed impacts were not provided in the MND.

Special-status plant species known to occur on site include Engelmann oak (*Quercus engelmannii*, California Rare Plant Rank 4.2) and Southern California black walnut (*Juglans californica* var. *californica*, California Rare Plant Rank 4.2).

Special-status wildlife that were observed or have high potential to occur on the Project site include western spadefoot (*Spea hammondi*, CDFW Species of Special Concern (SSC)), orange-throated whiptail (*Aspidoscelis hyperythra*, CDFW Watch List (WL)), coast horned lizard (*Phrynosoma*

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blainvillii, SSC), coast patch-nosed snake (*Salvadora hexalepis virgultea*, SSC), coastal whiptail (*Aspidoscelis tigris stejnegeri*, SSC), Coronado skink (*Plestiodon skiltonianus interparietalis*, WL), red diamond rattlesnake (*Crotalus ruber*, SSC), San Diego banded gecko (*Coleonyx variegatus abbotti*, SSC), Southern California legless lizard (*Anniella stebbinsi*, SSC), two-striped gartersnake (*Thamnophis hammondi*, SSC), Cooper's hawk (*Accipiter cooperii*, WL), golden eagle (*Aquila chrysaetos*, California Fully Protected (FP) species, WL), western red bat (*Lasiurus blossevillii*, SSC), pocketed free-tailed bat (*Nyctinomops femorosaccus*, SSC), western mastiff bat (*Eumops perotis californicus*, SSC), Dulzura pocket mouse (*Chaetodipus californicus femoralis*, SSC), northwestern San Diego pocket mouse (*Chaetodipus fallax*, SSC), San Diego desert woodrat (*Neotoma bryanti*, SSC), ringtail (*Bassariscus astutus*, California Fully Protected species), and mountain lion (*Puma concolor*, specially protected mammal per Fish & G. Code, § 4800 *et seq*, CESA candidate species).

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.

COMMENT #1: Prior Scoping Efforts

CDFW appreciates the valuable working relationship we have with the County. On August 11, 2022, the Wildlife Agencies met with the County for Project scoping and initial feedback on the draft Biological Resources Report, dated July 2022. On August 31, 2022, the Wildlife Agencies provided initial joint comments to the County via email that addressed the Project's proposed mitigation strategy, potential impacts to wildlife movement function, and impacts to ringtail, western spadefoot, and other species. The County responded to our comments via email, dated September 15, 2022.

CDFW identifies the following elements from the MND which were addressed through the scoping process, reiterates our outstanding concerns, and provides additional recommendations below:

- a. Western spadefoot: the MND proposes to mitigate for impacts to western spadefoot via Mitigation Measures BIO-1, BIO-6, BIO-7, BIO-10, and BIO-11. Additionally, impacts to 1.42 acres of potential western spadefoot foraging habitat will be mitigated at a 3:1 ratio.

The Wildlife Agencies previously recommended that the County install fencing to prevent toads from entering the Project area; however, the request was declined by the County in order to allow for wildlife movement. According to the Biological Resources Report, western spadefoot were observed within an ephemeral basin on the northwest side of the study area and could utilize a cattle pond on the western edge of the study area as breeding habitat. Again, CDFW encourages the County to consider fencing near the portions of the lot that are closest to the basin and cattle pond (e.g., the northwest corner), in which toads are known or expected to breed, in order to prevent toads from entering the project area. Per the Biological Resources Report, no development is proposed within a 500-foot buffer of the ephemeral basin or cattle pond. CDFW recommends that mitigation for 1.42 acres of coast live oak riparian forest include occupied habitat for this species.

- b. Ringtail: the County will mitigate for impacts to 1.89 acres of vegetation communities that could serve as ringtail habitat with compensatory habitat preservation, revegetation, or purchase of mitigation credits from an approved mitigation bank. With regard to mitigation, any off-site mitigation should be reviewed and approved by the Wildlife Agencies. CDFW is committed to

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working with the County to find off-site mitigation which satisfies this obligation.

CDFW appreciates confirmation that the parking lot gates will be open during daylight hours only. The MND should be amended to include a measure or measures which allow the County to enforce hours that hiking is allowed from the parking lot via signage. The posted signage should include hours of operation, warnings of trespassing, and fines for hiking outside the allowed hours.

- c. Golden eagle: section 2.2.3.2 of the MND states that no impacts will occur on golden eagle nesting habitat or within 4,000 feet of a known nest.
- d. White-tailed kite: white-tailed kite has low potential to occur within the Project area and is a Fully Protected Species. CDFW cannot authorize take of this species and any impacts would be considered significant. Mitigation Measure BIO-8 is proposed in the MND to prevent potentially significant impacts to nesting raptors. This measure includes avoidance during the tree-nesting raptor breeding season of January 15 to July 15, and if this is not possible, nesting bird surveys performed by a qualified avian biologist no more than three days prior to ground-disturbing activities or vegetation removal. If nesting birds are found, the location will be mapped, and all construction activities close to active nests will be delayed or modified as necessary. CDFW generally recommends buffers of up to 500 feet for nesting raptors be established. Reductions in the buffer may be appropriate depending on site-specific conditions such as the presence of screening vegetation, and if approved by the biological monitor and the County.
- e. Artificial lighting: the Project will install 18 solar bollard lights at the edges of the parking lots and footpaths within the parking lots. Previously, CDFW recommended that footpath lights be removed from the Project footprint to facilitate wildlife movement through the Project area and to minimize impacts to western spadefoot (August 2022 email). The County's response email and the MND indicate that lighting is needed for public safety; however, the hours of operation for the parking lot and trails will be limited to daytime hours. Given that the parking lot gates will be open during daylight hours only, and artificial lighting may adversely affect wildlife species, CDFW again recommends that artificial lighting not be installed on trails or in areas which would cause light 'spray' into conserved habitat. Any lighting should be confined to the parking area, be the minimum necessary for public safety, and positioned to illuminate directly down and not illuminate adjacent natural areas.
- f. Streambed Alteration Notification: we look forward to the submittal of the Streambed Alteration Agreement Notification per Fish and Game Code section 1600 *et seq.*

COMMENT #2: Habitat Mitigation

The MND states that compensatory mitigation will occur for coast live oak riparian forest, open coast live oak woodland, flat-topped buckwheat, chamise chaparral, granitic northern mixed chaparral, and oak root protection zones. Mitigation measures BIO-1 through BIO-6 state that this mitigation shall occur through preservation, on- or off-site revegetation, or purchase of mitigation credits from an approved mitigation bank whose service area includes the Project area. Per the NC and EC MSCP Planning Agreement, the County shall coordinate with the Wildlife Agencies to review specific mitigation plans. CDFW generally recommends that mitigation lands be as close to the impact area as possible.

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COMMENT #3: In-perpetuity Preservation and Management of the Mitigation Lands

CDFW and the County have discussed off-site preservation and restoration as part of mitigation for the Project. The areas proposed as mitigation lands should be protected in perpetuity with a biological conservation easement (CE), financial assurance, and dedication to a qualified land management entity. Stewardship, biological management, and monitoring should be assured through an applicable long-term Habitat Management Plan (HMP).

The HMP should include measures to protect the targeted habitat values of the mitigation areas in perpetuity from direct and indirect negative impacts, and should outline biological resources on the site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts. Issues that should be addressed in the HMP include but are not limited to the following: protection from any future development and zone changes; fencing and restrictions on access; proposed land dedications; control of illegal dumping; spread of invasive plants; water pollution; and increased human or domestic pet intrusion. Adequate funding should be provided to allow for minimum monthly patrolling of the mitigation area to inspect for signs of human intrusion or damage.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations 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 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.

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

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Sincerely,

DocuSigned by:

D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

cc: CDFW

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

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

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REFERENCES

California Environmental Quality Act (CEQA). 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.

California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, § 15097, §15126.4(2).

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ATTACHMENT A: Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

| Biological Resources (BIO) | | |
|--|--|---------------------|
| Mitigation Measure (MM) or Recommendation (REC) Description | Implementation Schedule | Responsible Party |
| REC-1a: Western spadefoot: Fencing should be placed near the portions of the lot that are closest to the basin and cattle pond (e.g., the northwest corner) in order to prevent toads from entering the project area. Regarding toad mitigation, mitigation for western spadefoot should include occupied habitat for this species. | Prior to Project activities | County of San Diego |
| REC-1d: White-tailed Kite / Raptor Nests: Buffers of up to 500 feet from active raptor nests should be established. | Prior to and during Project activities | County of San Diego |
| REC-1e: Artificial Lighting: Given that the parking lot gates will be open during daylight hours only, and artificial lighting may adversely affect wildlife species, CDFW again recommends that artificial lighting not be installed on trails or in areas which would cause light 'spray' into conserved habitat. Any lighting should be confined to the parking area, be the minimum necessary for public safety, and positioned to illuminate directly down and not illuminate adjacent natural areas. | Prior to Project activities | County of San Diego |
| REC-2: Habitat Mitigation: Per the NC and EC MSCP Planning Agreement, the County shall coordinate with the Wildlife Agencies to review specific mitigation plans. CDFW generally recommends that mitigation lands be as close to the impact area as possible | Prior to Project activities | County of San Diego |
| REC-3: In-perpetuity Preservation of the Mitigation Lands: CDFW and the County have discussed off-site preservation and restoration as part of mitigation for the Project. The areas proposed as mitigation lands should be protected in perpetuity with a biological conservation easement (CE), financial assurance, and dedication to a qualified land management entity. Stewardship, biological management, and monitoring should be assured through an applicable long-term Habitat Management Plan (HMP). The HMP should include measures to protect the targeted habitat values of the mitigation areas in perpetuity from direct and indirect negative impacts, and should outline biological resources on the site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts. Issues that should be addressed in the HMP include but are not limited to the following: protection from any future development and zone changes; fencing and restrictions on access; proposed land | Prior to, during, and following Project activities | County of San Diego |

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| <p>dedications; control of illegal dumping; spread of invasive plants; water pollution; and increased human or domestic pet intrusion. Adequate funding should be provided to allow for minimum monthly patrolling of the mitigation area to inspect for signs of human intrusion or damage.</p> | | |
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