



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 7, 2022

Governor's Office of Planning & Research

Jeff Steichen
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 City of Chula Vista
 276 4th Avenue
 Chula Vista, CA 91910
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NOV 7 2022

STATE CLEARING HOUSE

Subject: Rohr/Wohl Bayfront Specific Plan (Project) Notice of Preparation of an Environmental Impact Report (NOP), SCH #2022100138

Dear Mr. Steichen:

The California Department of Fish and Wildlife (CDFW) received a NOP of an Environmental Impact Report from the City of Chula Vista (City) 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.) CDFW also administers the Natural Community Conservation Planning (NCCP) program. The City of Chula Vista participates in the NCCP program through their approved Multiple Species Conservation Program Subarea Plan. If 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.) that is not a covered species under the City's MSCP, the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Chula Vista

Objective: The objective of the Project is to prepare a Specific Plan that would govern future development within three Planning Areas at the 44.78-acre Project site. A General Plan and Land Use Plan Amendment is also proposed, which would change the existing zoning designation of general industry to three new zoning designations. These

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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designations would allow for six land use categories: commercial retail, commercial visitor, commercial office, light industrial, regional technology park, and business park flex.

Location: The Project is located in the City of Chula Vista, west of I-5, north of H Street, south of G Street, and east of Marina Parkway. The site is in the northwest portion of the City of Chula Vista, directly adjacent to the City of San Diego.

Biological Setting: The Project site consists of developed land currently occupied with one office building and two industrial buildings. Prior to 1941, the site was used for agriculture. As a result of historical agriculture and industrial uses, the soil and groundwater on site are contaminated with chemicals such as volatile organic compounds, metals, and petroleum hydrocarbons. The site is approximately 0.5 mile south of the Sweetwater Marsh Unit of the San Diego Bay National Wildlife Refuge, and approximately 0.25 mile from the southeastern portion of San Diego Bay,

Osprey (*Pandion haliaetus*, CDFW Watch List species) have been observed on site.

COMMENTS AND RECOMMENDATIONS

We offer 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.

COMMENT #1: Osprey

CDFW is aware that nesting osprey have been observed on or adjacent to the Project site. Osprey are found near bodies of water containing fish, such as the San Diego Bay. Osprey typically nest in treetops, on cliffs, or on human-built platforms. The draft EIR should include a discussion of the potential for osprey on site. CDFW recommends pre-construction raptor surveys. If osprey are found on site, the City should coordinate with CDFW and U.S. Fish and Wildlife Service to discuss suitable mitigation, which may include avoidance buffers and/or installation of alternate nesting platforms.

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 NOP to assist the City of Chula Vista 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:


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David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

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).