



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



March 8, 2023

Hector Salgado
 Associate Planner
 City of Poway
 13325 Civic Center Drive
 Poway, CA 92064
HSalgado@poway.org

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Harmon Ranch Specific Plan, SCH #2023020009

Dear Mr. Salgado:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Poway for the Harmon Ranch Specific Plan (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's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.).

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City participates in the NCCP program by implementing its approved Poway Subarea Habitat Conservation Plan / Natural Community Conservation Plan (PSHCP) and Implementing Agreement (IA).

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 1500.

Hector Salgado
City of Poway
March 8, 2023
Page 2 of 7

PROJECT DESCRIPTION SUMMARY

Proponent: City of Poway (City)

Project Location: The 11.5-acre Project site is located along Oak Knoll Road, south of Poway Road, west of Carriage Road, within the southern area of the City of Poway. The Project site consists of land north and south of Oak Knoll Road that is partially developed with four existing single-family residences, one of which is City of Poway Historical Site 113 named the “Harmon House.” This historic building was built in 1933 and would be retained. Surrounding land uses include commercial development to the north and west, the Kumeyaay Interpretive Center to the north, Poway Creek to the south, and existing residential homes to the south and east. The Project site is within the City’s PSHCP boundary and is designated as Residential Single Family 7 (RS-7) in the City’s General Plan which allows a maximum density of 8 dwelling units per acre.

Project Description: The proposed Project will demolish three existing residences and construct a residential neighborhood (5.8 acres) consisting of 63 homes, private streets and parking, a 1.0-acre open space recreation area, and 2.2 acres of natural open space. In addition, the Project will create a segment of the City’s General Plan Community trail (approximately 1,000 feet) connecting the northern portion of the Project site to an adjacent retail area north along Poway Road. The “overlook” area and passive park located in the south portion of the Project site is planned to provide public access and would be privately maintained. The Project would require a General Plan Amendment/Zone Change from RS-7 to Planned Community to accommodate a higher density of 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area not including private streets).

Biological Setting: California Natural Diversity Database (CNDDDB) aerial imagery and the PSHCP mapping indicate that the Project site consists of disturbed and developed land outside of the City’s Mitigation Area. Poway Creek at the southern boundary of the Project flows east to west and functions as a wildlife corridor for large mammals. Per the NOP, the site has been cleared for several years and was recently used as a construction staging yard for an SDG&E gas line Project. The Kumeyaay Interpretive Center to the north is protected under a conservation easement.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations 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. Our comments are based on information presented in the Project NOP and the February 16, 2023 Project Scoping Meeting presentation available on the City’s website at <https://poway.org>.

Specific Comments

- 1) Project Consistency with the City’s Subarea Plan. On July 19, 1996, the City was issued a Natural Community Conservation Planning Management Authorization, or “NCCP permit,” from CDFW pursuant to California Fish and Game Code sections 2081 and 2835 for species covered under the City’s Habitat Conservation Plan/Natural Community Conservation Plan (PSHCP). Per Section 2.5 within the Implementing Agreement (IA), the “PSHCP addresses the potential impacts of development, natural habitat loss and species endangerment and

Hector Salgado
City of Poway
March 8, 2023
Page 3 of 7

creates a plan to mitigate for the loss of Covered Species and their habitats due to the direct and indirect impacts of future development of both private and public lands within the PSHCP area.” The City is responsible for evaluating the Project’s potential impacts to biological resources and compliance with all requirements and conditions established in the PSHCP and IA. The DEIR should also address any biological issues that are not addressed in the PSHCP and IA, such as specific impacts to and mitigation requirements for sensitive species that are not covered by the PSHCP and IA.

- 2) Trail Siting and Design Guidelines. The Project proposes to create a segment of the City’s General Plan Community trail (approximately 1,000 feet) on the northern portion of the Project site that will connect to an adjacent retail area along Poway Road. CDFW recommends that the City and/or applicant provide additional information on the proposed trail including whether there is an existing trail, the trail width, surface material, lighting, fencing plan, access restrictions, and designated entity for maintenance and monitoring.
- 3) Open Space Areas. Attachment Figure 2 Site Plan indicates that the Project will have four open space lots (OS-1 through OS-4) and three open space recreation lots (OSR-1 through OSR-3) on site. CDFW recommends that the DEIR provide additional information on whether these areas are proposed for compensatory mitigation or residential amenities. In addition, CDFW recommends that the DEIR clarify the types of recreation activities that are proposed on the OSR-1 lot adjacent to Poway Creek and OSR-2 adjacent to the Kumeyaay conserved lands.
- 4) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats, consistent with the Poway HCP.
- 5) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. A qualified entity should be identified to serve as the long-term manager of the mitigation land along with an appropriate non-wasting endowment to provide for long-term management of mitigation lands.
- 6) Nesting Birds. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which general runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct weekly bird surveys for nesting birds, within three days prior to work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be

Hector Salgado
City of Poway
March 8, 2023
Page 4 of 7

appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 7) Fire Buffers. The DEIR should include an analysis of fuel modification requirements and how the Project site or adjacent land may be affected. In addition, the DEIR should provide a clear description of fuel modification zone distances and allowable activities in each zone. CDFW recommends all fuel modification requirements be met within the Project boundaries and not in conserved habitat adjacent to the Project. Habitat being subjected to fuel modification (e.g., thinning, trimming, removal of mulch layer) should be considered an impact to these vegetation communities and mitigated accordingly. The DEIR should also include analysis of impacts to adjacent open space areas from any irrigation or water diversion structures proposed within the fuel modification zones. CDFW recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water facilitates introduction of the invasive Argentine ant (*Linepithema humile*). Previous studies have indicated Argentine ant abundance at riparian-scrub edges and urban-scrub edges depends on soil moisture, therefore runoff containment would discourage colonization and recruitment by invasives and encourage native ant species (Holway and Suarez 2006).
- 8) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity decline. CDFW recommends that the DEIR stipulate that no non-native, invasive plant material shall be used. Furthermore, we recommend using locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

General Comments

- 1) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species including any Covered Species under the City's approved Subarea Plan (PSHCP), and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:
 - a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. The DEIR should include measures to fully avoid and otherwise protect sensitive natural communities;
 - b. A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities;

Hector Salgado
City of Poway
March 8, 2023
Page 5 of 7

- c. A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CNDDDB should be reviewed to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp; and,
 - d. A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the United States Fish and Wildlife Service (USFWS).
- 2) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 3) Moving out of Harm's Way. The proposed Project is anticipated to result in clearing of habitats that support species of native wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity should obtain all appropriate State and Federal permits.
- 4) Lake and Streambed. CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for

Hector Salgado
City of Poway
March 8, 2023
Page 6 of 7

issuance of the LSAA. CDFW recommends the Applicant submit a Lake and Streambed Alteration Notification to CDFW. Notifications can be submitted through CDFW's Environmental Permit Information Management System (EPIMS) at <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. 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: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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 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 in identifying and mitigating Project impacts on biological resources and ensuring consistency with the requirements of the PSHCP.

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

Sincerely,

DocuSigned by:

D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

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

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

OPR

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

USFWS

Jonathan Snyder – Jonathan_D_Snyder@fws.gov

Hector Salgado
City of Poway
March 8, 2023
Page 7 of 7

References

California Department of Fish and Wildlife. 2023. California Natural Diversity Database (CNDDDB). Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

California Department of Fish and Wildlife. 2023. Environmental Permit Information Management System. Available from: <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

California Invasive Plant Council (Cal-IPC). 2023. Responsible Landscaping. Available from: <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

California Public Resources Code Sections 21000-21177 and State CEQA Guidelines 14.

City of Poway Habitat Conservation Plan / Natural Community Conservation Plan. 1996.

Holway, David A. and Andrew V. Suarez. 2006. "Homogenization of ant communities in mediterranean California: The effects of urbanization and invasion".