



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
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In Reply Refer to:
2024-0090700-CEQA-DEIR-SD

June 21, 2024
Sent Electronically

Paul Jackson
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Facilities Planning, Design, and Construction
5500 Campanile Drive
San Diego, California 92182-1624

Subject: Comments on the Draft Environmental Impact Report for the Fenton Parkway Bridge Project (SCH# 2023050534)

Dear Paul Jackson:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Fenton Parkway Bridge Project (project). The comments provided in this letter are based on the information in the DEIR; our review and comments (FWS-SD-2133.2, dated August 17, 2001) on the DEIR (LDR No. 40-0559; SCH No. 2000101088) for the Mission City Parkway Bridge and Associated Facilities (2001 DEIR); our review and comments (FWS/CDFW-19B0115-19TA0706, dated March 28, 2019) on the Draft Programmatic Environmental Impact Report for the Mission Valley Community Plan (MVCP) Update (SCH# 2017071066) (2019 DPEIR); the San Diego State University Mission Valley Campus Master Plan Draft Environmental Impact Report (2019 DEIR); our review and joint comments (FWS/CDFW-2023-0090700-CEQA-SD, dated July 14, 2023) with the California Department of Fish and Wildlife (CDFW) on the Initial Study and Notice of Preparation (NOP) for the DEIR; our knowledge of sensitive and declining species and their habitats in the region; and our participation in regional conservation planning efforts, including the City of San Diego's (City) Multiple Species Conservation Program Subarea Plan (SAP). We appreciate the extension California State University (CSU) granted the Service for comments on the DEIR.

The mission of the Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. The Service also has the legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. In addition, the Service is responsible for administering the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(2)(A) of the Act. The City participates in the HCP program by implementing its approved SAP.

CSU serves as the California Environmental Quality Act (CEQA) Lead Agency for this Project. As described in a Memorandum of Understanding (MOU) between CSU and the City, as well as City Ordinance No. O-21564, CSU will design, plan, and construct the bridge to City Standards. CSU and the City will share the cost of the project, and the City will assume operation and maintenance obligations upon completion. The City will serve as a Responsible Agency under CEQA, and CSU is responsible for securing all environmental permits required from State and Federal agencies, as well as a license and right of entry from the City to construct the bridge on City land.

The project site is at the same location as the bridges previously proposed in the 2001 DEIR and 2019 PDEIR within the City's MVCP area north of Interstate 8, between Interstates 805 and 15, and southwest of Snapdragon Stadium. The proposed bridge will span the San Diego River, which is in the City's Multi-Habitat Planning Area (MHPA) and adjacent to the City's Stadium Wetland Mitigation Site.

The bridge will connect the southern terminus of Fenton Parkway to the northern terminus of Mission City Parkway at the intersection of Camino Del Rio North. The bridge will be approximately 450 feet long, 58 feet wide, and 7.5 feet deep, and will consist of up to four spans supported on concrete seat-type abutments in the river embankments at each end and two to three piers within the river channel, each consisting of two to three approximately 20-foot-tall, 6-foot-diameter circular concrete columns. The bridge will include two 11-foot-wide through-traffic lanes and a 10-foot-wide center lane that would be used for southbound left-turn movements onto Camino Del Rio North. The 10-foot-wide center lane will also provide an optional additional traffic lane for flexible use during stadium or emergency events. Combined bicycle and pedestrian pathways will be installed and raised above the travel lanes on either side of the bridge. The 6.5-foot-wide bike lanes will be separated from 5.5-foot-wide pedestrian paths by a 6-inch-wide strip of yellow truncated domes. Although wet utility extensions are not part of the proposed project, the bridge will also include 24-inch cells that could accommodate potential future wet utilities. The existing storm drain infrastructure in the area will require relocation and/or extension to accommodate bridge construction.

Biological Importance of the San Diego River and Relationship to the City's Subarea Plan

The San Diego River is an important component of the MHPA established by the City's SAP. The relative lack of channelization and high-quality riparian vegetation in the San Diego River benefits a myriad of wildlife species. While the DEIR generally identifies the San Diego River as an important wildlife corridor for local common ground-based species, the 2001 DEIR emphasized the significant importance of the San Diego River by stating "The importance of San Diego River habitat should not be underestimated.... The linear riparian habitats along the San Diego River provide the only remaining wetland habitat within the urbanized area of Mission Valley, and thus contribute heavily to localized biological diversity and provide shelter for migrating species (primarily birds)." At the time of the 2001 DEIR, the habitat in and adjacent to the proposed project site consisted of high-quality southern cottonwood willow riparian forest, coastal and valley freshwater marsh, and open water. The area also supported high biological functions due to its perennial flows, mature vegetation, high wildlife diversity,

and high regional wildlife value. Since then, wetland restoration and enhancement completed for the Stadium Wetland Mitigation Site has increased the quality and value of the habitat adjacent to the project site, and the mitigation site has been and/or will be used to mitigate wetland impacts for other projects.

The proposed project site plays a significant role in wildlife breeding and wintering. The federally and State endangered least Bell's vireo (*Vireo bellii pusillus*; vireo) has been detected within, and adjacent to, the project site during focused surveys conducted in 2017, 2019, and 2022. The federally threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) was also detected adjacent to the project site in 2023. Populations of the federally endangered light-footed Ridgway's (=clapper) rail [*Rallus obsoletus* (=longirostris) *levipes*; rail] occur in salt marsh downstream, and in freshwater marsh upstream, of the project site. Therefore, rail may also reside at (if there is sufficient freshwater marsh habitat) and/or disperse through the project site. In addition to the vireo, gnatcatcher, and rail, numerous other avian species use the site, including yellow warbler (*Dendroica petechia* ssp. *brewsteri*), yellow-breasted chat (*Icteria virens auricollis*), and Cooper's hawk (*Accipiter cooperii*), which are all State Species of Special Concern. Several subspecies of willow flycatcher migrate through the San Diego River watershed, and it is possible that the federally listed endangered southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher) occurs onsite as a short-term migrant species. Other species that potentially use the area as a stop-over or nesting area include common yellowthroat (*Geothlypis trichas*), red-winged blackbird (*Agelaius phoeniceus*), marsh wren (*Cistothorus palustris*), yellow-rumped warbler (*Dendroica coronata*), waterfowl such as mallards and grebes, and raptor species such as the white-tailed kite (*Elanus leucurus*).

The DEIR confirms the sustained biological value of the project site that exists in a relatively undisturbed portion of the San Diego River, documenting the presence of sensitive wetland and upland habitat, as well as special-status plants and wildlife. These include San Diego County viguiera (*Viguiera laciniata*), and San Diego marsh-elder (*Iva hayesiana*), and likely occurrence of southern California legless lizard (*Anniella stebbinsi*), orange-throated whiptail (*Aspidoscelis hyperythra*), Coronado skink (*Plestiodon skiltonianus interparietalis*), two-striped gartersnake (*Thamnophis hammondi*), southwestern pond turtle [*Actinemys pallida* (*Emys marmorata*); federally proposed as threatened], and western spadefoot (*Spea hammondi*; federally proposed as threatened).

Because of the biological functions provided by the San Diego River, and its support of listed and sensitive species, this riparian corridor was included in the City's MHPA.

Likely Effects of Proposed Project

The project will permanently (0.83 acre) and temporarily (0.4 acre) impact a total of 1.23 acres of high-quality riparian habitat in the San Diego River in a "no credit" area through the Stadium Mitigation Site. The bridge will increase habitat fragmentation and edge effects, such as shading, noise, artificial light, human intrusion, and bird strikes. Additional fragmentation may lead to or increase brood parasitism by the brown-headed cowbirds (*Molothrus ater*; cowbird) in the project area and/or nest predation by the meso-predators in the area [gray fox (*Urocyon*

cinereoargenteus), raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*)] or raptors that perch on the bridge and lighting. The edge effects would also potentially disrupt avian foraging and nesting behavior.

As described in the City's 2001 DEIR, the San Diego River is biologically important locally and regionally, and "an increase in fragmentation and corresponding increase in edge habitat could have substantial adverse effects to local wildlife. In the event that such fragmentation results in the conversion of a habitat source to a sink, the deleterious effects could be far reaching." The 2001 DEIR also stated: "The proposed bridge would impact the local movement wildlife corridor at a single crossing. Significant indirect impacts to the wildlife corridor, as a result of construction, and permanent significant impacts associated with increased volumes of human and vehicular traffic, increased illumination, and potential increases in noise would also result."

The project will introduce light into the San Diego River from light fixtures mounted on the bridge and car headlights. Though the DEIR describes shielding to reduce light levels in the river habitat, the analysis acknowledges that light will inevitably spill into the river from permanent fixtures. Car headlights from traffic on the bridge also will be a permanent light source. Thus, even with shielded lighting, the project creates new edge effects that cross the river corridor.

The Biological Resources Technical Report (BRTR; Appendix C of the DEIR) acknowledges permanent disruption to current foraging and dispersal behavior from introduced vehicle noise and lighting as well as increased human disturbance, but minimizes the effect of anticipated bird strike: "...smaller passerine birds such as least Bell's vireo, yellow warbler, yellow-breasted chat, etc. are expected to avoid the road surface and traffic areas of the bridge as they typically fly shorter distances (outside of migration) and within the tree canopy and understory to avoid predation and are less likely to fly over the bridge and collide with vehicles (Dudek 2024, page 54)." However, the proposed bridge over the San Diego River would cross through mature southern cottonwood willow riparian forest that is taller than the bridge. Thus, birds that are moving through the canopy from one side of the bridge to the other could be struck by vehicle traffic. In summary, our assessment based on the information provided is that the project is likely to result in a significant increase in bird strikes, including potential mortality of federally listed vireo and flycatcher.

Finally, we anticipate that the project will significantly impact wildlife adjacent to the bridge through increases in noise levels. The BRTR concludes that despite significant unavoidable noise impacts to the vireo, this species will be able to "continue to effectively communicate within their territories in the San Diego River after the bridge is built and at maximum modeled noise levels (Dudek 2024)." However, the presence of wildlife as the single measure of impact oversimplifies the cost of noise exposure on a species (Francis and Barber 2013). Other unmeasured effects include compromising predator/prey detection or mating signals, altering temporal or movement patterns, and increasing physiological stress (Francis and Barber 2013). The Caltrans report cited in the DEIR also recognizes that despite the ability of birds to adapt their communication to noise conditions, the adverse effects of sustained traffic noise on humans, including stress, physiological and sleep disturbances, and changes in feelings of well-being that may be applicable..." (Caltrans 2016). The Caltrans report also acknowledges that species

variation in hearing, territory size, and habitat difference factor into the masking effect of traffic and/or construction noise on bird communication (Caltrans 2016).

On May 28, 2002, the City Council and mayor voted unanimously to deny the permit for the Mission City Parkway Bridge because it “could result in maximum disturbance to environmentally sensitive lands” and “increase the alteration of natural landforms which would result in undue risks.” Further, they did “not believe that the proposed development is consistent with the City of San Diego’s MSCP Subarea Plan,” and “would contribute to increase in water quality degradation in an already impaired water body.” Considering the conclusion of the 2001 DEIR and the relatively higher biological value of the existing riparian habitats in the San Diego River at the project site than at the time of the 2001 DEIR, the project is likely to result in significant impacts to biological resources. Therefore, consistent with the SAP, we recommend that the DEIR include additional alternatives and project features to avoid, minimize, and mitigate these anticipated impacts. Recommended alternatives are described in more detail under “Alternatives Analysis” below.

Applicability of the City’s Subarea Plan, Environmentally Sensitive Lands Regulations, and Biology Guidelines

The DEIR and BRTR are unclear if CSU and the project are required to comply with the City’s SAP and Environmentally Sensitive Lands (ESL) regulations and Biology Guidelines that are used to implement the City’s SAP. For example, the BTR states, “Because SDSU is not a permittee of this habitat conservation plan and because SDSU does not need to obtain any entitlements that would constitute a discretionary action by the City, the restrictions typically placed on land within the MHPA as per the City’s Biology Guidelines do not apply to SDSU or SDSU-owned land. SDSU also is not subject to the City’s land use policies (Dudek 2024).” However, the MOU states that the project “...shall not proceed without necessary permits and/or discretionary approval from the City...” and that “The Parties anticipate that a license and right of entry to enter upon City-owned real property is necessary to construct the Approved Bridge.” In addition, “CSU will be required to mitigate wetland impacts pursuant to the City’s Biology Guidelines, MSCP, and Environmentally Sensitive Lands Regulation wetland deviation. The City shall make any necessary MSCP consistency determinations as the property owner.” Finally, the MOU states “The City will cooperate and assist CSU in consulting with state and federal agencies regarding the design, environmental review, permitting, and potential construction of the Potential Bridge Project and the Approved Bridge (if it is approved). In addition, City will cooperate with CSU, after CEQA has been conducted, to mitigate for Potential Bridge Project impacts through the City’s Multiple Species Conservation Program (MSCP), including obtaining any MSCP clearances, mitigation, wetland and other mitigation bank credits, and take authorizations through the City’s MSCP Subarea Plan or otherwise available to the City.”

Beyond the MOU, the project should comply with the City’s SAP, ESL regulations, and Biology Guidelines because it will be built with City funds on City property; subject to necessary permits, discretionary approval, license and right of entry from the City; and maintained and operated by

the City. Therefore, the DEIR should clarify that CSU and the City will ensure that the project complies with City's SAP, ESL regulations and Biology Guidelines.

Avoidance of Wetland and Biological Impacts under the SAP

The DEIR characterizes the project as conditionally compatible with the City's SAP and includes conditions of coverage for each species and mitigation to achieve compliance with the SAP. However, consistency with the SAP includes identifying alternatives and designing the project in a manner that avoids and minimizes impacts to biological resources before implementing mitigation to offset unavoidable impacts.

The City's Biology Guidelines for implementing the SAP state that impacts to wetlands should be avoided and minimized to the maximum extent practicable. In addition, the SAP conditions for coverage for vireo and other wetland species require specific measures to protect against detrimental edge effects to these species and implementation of the Section 404(b)(1) guidelines which prohibit fill of wetlands if there is a practicable alternative to the proposed fill. The 404(b)(1) alternatives analysis should not narrowly define the project purpose to unduly restrict or preclude other alternatives (U.S. Environmental Protection Agency 2024). While the City's Biology Guidelines include a deviation for wetland impacts from essential public projects (EPP), an EPP deviation must demonstrate that the project is essential in both location and need, and that there is no feasible alternative that would avoid impacts to wetlands [LDC Section 143.0150(d)(1)(A)].

The DEIR and a City letter to the Service dated January 4, 2024, state that the project is an EPP. In support of the project as an EPP, the City letter states that the project "...would reduce the risk that an area of the community will become inaccessible if all or a part of a roadway is blocked and improve access to UCSD Hillcrest Medical Center." However, north of the San Diego River several roadways provide access to Fenton Marketplace and Snapdragon Stadium. In addition, Healthcare facilities similar to University of California at San Diego (UCSD) Hillcrest such as Sharp Memorial Hospital, Kaiser Permanente Clairemont Mesa, and Kaiser Permanente Zion are all located north of the river and are accessible without the proposed river crossing. Further, UCSD Hillcrest is accessible from the west side of Fenton Marketplace via Texas Street from Rio Bonito Road or Friars Road and from the east side via I-15 via Northside Drive and Friars Road. South of the river, Mission City Parkway is accessible from Stadium Way on the west and Ward Road on the east. Possible river crossings are already available at Ward Road, and Stadium Way; and in flooding events, from I-15 and I-805. Based on traffic analysis in the 2001 DEIR, construction of the Mission City Parkway Bridge at this location did not appear necessary, and other alternatives were identified with lesser biological impacts including the retrofit of existing bridges at Mission Center Road, Camino del Este, Ward Road, or Stadium Way. In addition, the more recent 2019 DEIR also concluded that a bridge for Fenton Parkway "is not required to reduce significant project [transportation-related] impacts and the project's impacts can be reasonably mitigated with physical and other improvements without the bridge in place." Because of the biological importance of the proposed project site and in light of the above information, we recommend that the DEIR provide additional justification on why the project is essential in both location and need as an EPP.

We are also concerned that the proposed rip rap along the southern storm drain alignment and at the base of each bridge abutment disclosed in the DEIR is inconsistent with the SAP's prohibition of rip rap use in the MHPA. While the DEIR acknowledges the SAP prohibits use of rip rap in the MHPA, it does not explain what other alternatives were considered or why rip rap is the only option. Therefore, we recommend that the DEIR evaluate alternatives to rip rap such as willow wattles, armor-flex, geogrid, or similar materials to ensure compliance with the SAP.

Lastly, the DEIR does not provide an analysis of impact acreage allowances in the MHPA for conditionally compatible uses. According to the City's ESL regulations, for a site wholly located in the MHPA, 25 percent development and 5 percent for an EPP are allowed in the MHPA. The DEIR should be revised to analyze the anticipated project impacts to the MHPA in order to demonstrate compliance with City's ESL regulations.

Alternatives Analysis

Alternatives analyses were done in the 2001 DEIR, 2019 DPEIR and 2019 DEIR that are pertinent to the alternative analysis for the project in DEIR. Based on traffic analysis in the 2001 DEIR, construction of the Mission City Parkway Bridge at this location did not appear necessary, and other alternatives were available with lesser biological impacts including the retrofit of existing bridges at Mission Center Road, Camino del Este, Ward Road, or Stadium Way. In addition, the 2019 DPEIR identified a biologically superior alternative (i.e., Alternative 1) that would not include a bridge for Fenton Parkway across the San Diego River. Finally, and importantly, the more recent 2019 DEIR also concluded that a bridge for Fenton Parkway "is not required to reduce significant project [transportation-related] impacts and the project's impacts can be reasonably mitigated with physical and other improvements without the bridge in place."

The DEIR includes the following alternatives with lesser biological impacts than the proposed project: Alternative Bridge Location, Existing Bridge Retrofits, and Pedestrian/Bicycle Bridge Only Alternative. However, all alternative bridge locations were rejected because they would require an amendment to the MVCP. This rationale is inconsistent with the requirement to fully describe and analyze all biological alternatives in an appropriate CEQA document, so we recommend that these alternatives be fully analyzed in the DEIR, including the specific options identified below. The DEIR also states that relative to other potential locations the proposed project was chosen due to "...the need for a connection near San Diego State University (SDSU) Mission Valley..." which is contrary to the conclusion in the 2019 DEIR that a bridge for Fenton Parkway is not required. The DEIR also limits potential bridge retrofits to only Qualcomm Way and Ward Road and states that a bridge retrofit designed for at least a 50-year storm event would eliminate the need for the Fenton Parkway Bridge. The retrofit of Qualcomm Way is rejected because it would be too high for cars to safely pass under the existing trolley line and retrofit of Ward Road is rejected because it would result in further design modifications and exceptions from the City which could also result in a safety hazard for vehicle passage beneath the trolley line. We recommend that the DEIR explain how the 50-year storm event was determined as a minimum requirement and further evaluate alternatives at both locations that would maximize flood passage while still allowing cars to safely pass under the trolley line.

The DEIR states the Pedestrian/Bicycle Bridge Only Alternative would be 26 feet wide but was not selected because it could not be used by emergency vehicles or as an evacuation route for cars. We recommend that the DEIR provide an explanation for why this alternative cannot be used by emergency vehicles or as an evacuation route for cars, especially given the 11-foot lane width for the proposed bridge. Also, please clarify why this alternative bridge would need to be 26 feet wide given the 6.5-foot bike lane and a 5.5-foot pedestrian path width for the proposed bridge. If the Pedestrian/Bicycle Bridge Only Alternative in the DEIR cannot accommodate emergency traffic, we recommend that a Pedestrian/Bicycle Bridge Only Alternative that could be used in emergencies be developed and included in the DEIR.

Based on the above and recognizing the priority of human health and safety, as well as the City's mobility goals, the Service recommends the DEIR also evaluate the following additional alternatives:

Narrower Fenton Parkway Bridge

We recommend the DEIR evaluate a narrower Fenton Parkway Bridge that does not include a 10-foot-wide center lane. In addition, while the DEIR states the combined 6.5-foot-wide bicycle lane and 5.5-foot-wide pedestrian pathways will be installed and raised above the travel lanes on either side of the bridge, Figure 2-3 in the DEIR shows these at the same level as the travel lanes. If at the same level as shown in Figure 2-3, the bicycle lanes and pedestrian pathways add about 24 feet to the width of the bridge. Therefore, we recommend this alternative also evaluate installing the bicycle and pedestrian pathways above or below the travel lanes to further reduce the width of the bridge. By eliminating the center lane and putting the bicycle lanes and pedestrian pathways above or below the travel lanes, it appears the proposed 58-foot-wide bridge could be narrowed to about 24 feet.

Provide An Additional Fire Station

The 2019 Final PEIR (FPEIR) for the Mission Valley Community Plan Update (MVCPU) currently describes only one fire station located within Mission Valley with no plans for an additional station (Section 4.11, page 4.11-2 and Figure 4.11-1). At the time of the 2019 FPEIR, construction or operation of additional emergency facilities had not been identified as necessary for either the CPU with a San Diego River crossing or Alternative 1 without a crossing, indicating that the absence of a crossing would not pose a particular health or safety concern. Regardless, rather than relying on a river crossing to improve emergency access, we recommend that the DEIR evaluate an alternative that adds an additional fire station location within the CPU to improve emergency response times.

Expand Mobility Connections to the East and West and Alternate River Crossings

The City's January 2024 letter also indicates that the project is necessary to address the goals of the Climate Action Plan by providing mobility access to pedestrians and bicyclists. Given the recent redevelopment of Snapdragon Stadium and the river park, newly installed pedestrian and bicycle pathways along the northern side of the river already accommodate additional east to west connectivity. We recommend that the DEIR evaluate an alternative that extends these

pathways further to the east and west and utilizes the existing crossings and trolley access points to facilitate connectivity.

In particular, we recommend that the DEIR analyze improved connectivity accomplished through pedestrian and bicycle lane improvements to Rio San Diego Drive, Qualcomm Road, Rancho Mission Road, Ward Road, and access roads associated with Club River Run Apartment homes. Consistent with our NOP letter, we continue to recommend the retrofit of existing San Diego River crossings to accommodate bicycle and pedestrian access at Camino del Este and Mission Center Road, as well as the analysis of alternate approaches to providing connectivity such as suspended pedestrian and bicycle access from existing roadways currently crossing Mission Valley.

The Service also recommends the DEIR evaluate a river crossing at Via Las Cumbres to achieve an all-weather north-south connection in Mission Valley. This alternative was previously considered for the MVCPU and rejected due to impacts to the San Diego River. However, a bridge for Fenton Parkway would result in greater wetland impacts than a bridge at Via Las Cumbres since the river at Via las Cumbres has been narrowed by a golf course and supports little, if any, native riparian vegetation. A crossing at the Via Las Cumbres location could minimize impacts to wetlands, include restoration of native habitat as a project condition consistent with the SAP, and also provide an all-weather north-south connection identified as a primary project objective.

Section 1.4.2 of the SAP states, “Floodplains within the MHPA, and upstream from the MHPA if feasible, should remain in a natural condition and configuration in order to allow for the ecological, geological, hydrological, and other natural processes to remain or be restored.” Because the DEIR does not fully analyze and evaluate alternatives that appear to accomplish the goals of the project and maintain the biological integrity of the MHPA, it does not demonstrate that the project is consistent with the SAP.

In summary, the proposed project would cause significant impacts to riparian habitat and species in the San Diego River. To utilize the EPP deviation, the project must provide an analysis of all alternatives consistent with the City’s SAP, ESL regulations, and Biology guidelines to avoid these impacts. In addition, wetland species coverage under the City’s SAP is contingent on implementation of the Section 404(b)(1) guidelines which prohibit fill of wetlands if there is a practicable alternative to the proposed fill. Because the DEIR does not include a complete analysis of alternatives to the proposed action, it does not currently support project consistency with the SAP and associated regulations and guidelines. Therefore, the DEIR should incorporate a full description and analysis of the alternatives suggested above. We strongly recommend CSU and the City adopt an alternative that does not cross the San Diego River and thereby avoids significant direct and indirect wetland impacts. However, if an entirely alternate project location is not feasible, we recommend the adoption of a Pedestrian/Bicycle Only Bridge Alternative that could be used by emergency vehicles and one way traffic in the event of an emergency.

Thank you for the opportunity to comment on the DEIR. Additional specific comments on the DEIR and BRTR are in the appendix (Appendix). We are available to meet with CSU and the City if you have any questions regarding this letter or would like to discuss our comments and

recommendations. To coordinate with the Service on this project, please contact Anita Eng of the Service at Anita_Eng@fws.gov.

Sincerely,

Jonathan D. Snyder
Assistant Field Supervisor

Appendix

cc:

Melanie Burlaza, California Department of Fish and Wildlife

LITERATURE CITED

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APPENDIX

As described above, the following are additional specific comments on the DEIR and BRTR:

1. For unavoidable wetland impacts, the location of proposed mitigation must be identified for consistency with the City's ESL regulations and Biology Guidelines. Detailed plans for on-site habitat restoration or enhancement should be provided. If on-site mitigation is not feasible or would not be biologically viable and, therefore, not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed in the DEIR and will require approval by the Service and the CDFW (Wildlife Agencies). Therefore, MM-BIO-2 should include review and approval of the habitat mitigation plan by the Service.
2. The project crosses the Stadium Wetland Mitigation Site. Although a "no credit" area has been designated to accommodate the project footprint, indirect impacts to the mitigation site from noise, potential introduction of non-native species, and shading effects on vegetation under and adjacent to the project footprint including but not limited to solar exposure, soils, and hydrology. The DEIR should be revised to include this analysis.
3. A funding source and manager for required long-term in-perpetuity management should be provided for consistency with City ESL regulations. All mitigation elements must be approved by the Wildlife Agencies.
4. The DEIR does not consider the effects of vibration from pile driving on either side of the river that could negatively affect resident bird species. The DEIR should include this analysis.
5. Figure 3.13-2 of the DEIR depicts two potential bridge connections to the trolley. We recommend the removal of these connections in the DEIR to avoid the implication that these alignments are approved or appropriate, given the additional impacts to wetlands that would be required.
6. The DEIR references a boundary line adjustment (BLA) to the MHPA. A BLA requires Wildlife Agencies' approval and no BLA has been presented to the Wildlife Agencies for this project.
7. The DEIR reports the potential occurrence for western spadefoot and at the project location. Western spadefoot has been proposed for federal listing as threatened and is not covered by the City's MSCP. We recommend that CSU perform western spadefoot surveys and, if found, that potential affects be addressed through section 7 (if there is a federal nexus) or section 10 of the Act.
8. The Service previously completed informal consultation with the U.S. Army Corps of Engineers for the Mission Valley Campus Master Plan Project, which included the

Fenton Parkway/culvert extension (FWS-SDG-2022-0028183). Figure 3.3-4 of the DEIR shows that proposed impacts to wetlands exceed those addressed by previous informal consultation. The FEIR should explain why additional impacts are proposed and evaluate alternatives (e.g., walls, relocation of facilities, etc.) to avoid the additional impacts. Figure 3.3.-4 also appears to show that previously addressed impacts were exceeded, and if this is correct, per Conservation Measure 3 of the informal consultation, all work should cease until the problem has been resolved in coordination with the Service.

9. The DEIR (page 3.3-18) states that a pair of gnatcatchers with fledglings was observed in coastal sage scrub about 350 feet east of the proposed southern staging area during 2023 surveys (Dudek 2023), but the DEIR does not include a figure showing the location of the gnatcatchers. However, the survey report text and figure indicate the gnatcatchers were observed about 250 feet east of the staging area. While gnatcatchers were not observed in the staging area, it is likely this area is part of the observed gnatcatcher pair's territory, especially during the non-breeding season when gnatcatcher territories typically expand. In addition, the "Worst Month (within breeding season) Concurrent Phase Construction Noise, 60 dBA Contour" shown on Figure 3.3-3 of the DEIR overlaps with the gnatcatcher location and southern staging area. Therefore, the DEIR should also analyze potential impacts to the gnatcatcher and measures to avoid, minimize and mitigation potential impacts. Potential impacts to the gnatcatcher may be addressed through section 7 (if there is a federal nexus) or section 10 of the Act.
10. We recommend that any permanent lighting be fitted with bird control spikes to help prevent raptors from using lighting as a perch to prey on bird species.