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CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, California 92123

In Reply Refer to:
23-0119814_CEQA-TA_SD

Emily Pacholski
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August 22, 2023

Sent Electronically

Subject: Sycamore Canyon/Goodan Ranch Preserve Resource Management Plan Update
Project, Initial Study/Mitigated Negative Declaration (IS/MND), SCH# 2023070450

Dear Emily Pacholski:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (Department), collectively referred to as the Wildlife Agencies, have reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) and associated documents for the proposed Sycamore Canyon/Goodan Ranch Preserve Resource Management Plan (RMP) Update (Project). The comments provided in this letter are based on information provided in the IS/MND and RMP; meetings and correspondence between the Wildlife Agencies and the County staff; our knowledge of sensitive and declining species and their habitats in the region; and our participation in regional conservation planning efforts, including the County of San Diego's Subregional Multiple Species Conservation Program (MSCP).

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act.

The Department is a Trustee Agency with jurisdiction over natural resources affected by the project [California Environmental Quality Act (CEQA) Guidelines §15386] and is a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and Fish and Game Code Section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The County participates in the NCCP program through implementation of their MSCP Subarea Plan (SAP). The Preserve is located within the

boundaries of the County's SAP and was included in the SAP based on the site's high biological resource value. The Preserve RMP provides management directives pursuant to the County's SAP, Framework Management Plan, and Implementing Agreement, which specify that the County is responsible for managing lands that it owns or acquires within the MSCP Preserve system.

The Preserve is just northeast of the Marine Corps Air Station (MCAS) Miramar, north of Santee, and southeast of Poway within the unincorporated community of Lakeside in the County of San Diego. Per the Initial Study (IS), the habitat types that occur in the survey area include scrub oak chaparral, southern riparian forest, southern coast live oak riparian forest, southern riparian woodland, unvegetated channel, dense coast live oak woodland, open coast live oak woodland, Diegan coastal sage scrub, coastal sage-chaparral transition, southern mixed chaparral, chamise chaparral, and non-native grassland.

The proposed Project is an update to the County's 2013 Resource Management Plan (RMP County 2013) for the Sycamore Canyon/Goodan Ranch County Preserve. The RMP is a guidance document for the management of the biological and cultural resources within the Preserve as well as public access and recreation. The Project also includes the Public Access Plan (PAP) and an update to the Preserve's Vegetation Management Plan (VMP), which serve as supporting documents to the RMP. The VMP describes the current conditions within the Preserve and provides recommendations for habitat restoration, invasive plant species management, and fire management. The PAP is a planning document for the Preserve's multi-use trail system. The proposed activities and changes under the PAP include retention of existing trails, rerouting or modifications to existing trails, the formal addition of new trails, and restoration of some informal trails or existing impacted areas that were not originally part of the trail system. The implementation of the proposed Project's PAP component would result in 15 miles of trails dedicated to multi-use routes for hiking, mountain biking, horseback riding, and electric bike (e-bike) use. The trail system would include 3.78 miles of new trails, 0.99 mile of potential future trail connections, 4.76 miles of formalization of trails in existing disturbed areas, and 5.56 miles of existing formal trails, resulting in the increase of the trail network in the Preserve to 15.09 miles. According to the IS/MND, the PAP also includes recommendations for potential future trail connections that could link trails within the Preserve to future connections outside the Preserve, should those outside connections become publicly accessible in the future.

The Project site supports several sensitive wildlife species within the Preserve. A total of four special-status wildlife species were detected on or within 500 feet of the survey area during the 2019-2022 surveys including the federally endangered Quino checkerspot butterfly (*Euphydryas editha quino*; Quino) and threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher). Additionally, there has been 40 other special-status species documented within or adjacent to the study area during previous surveys for the Preserve (see Figure 8a, 8b, and 8c in BRTR). The Project site also supports a variety of sensitive plant species including but not limited to four MSCP narrow endemic species: San Diego thornmint (*Acanthomintha ilicifolia*), willowy monardella (*Monardella viminea*), variegated dudleya (*Dudleya variegata*), and San Diego goldenstar (*Bloomeria clevelandii*).

The Wildlife Agencies offer the following comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources and to ensure the Project is consistent with the County's MSCP SAP.

- 1.) Connecting Trail Segments to Unauthorized Trails Outside the Preserve: The IS/MND identifies the Scripps Poway Parkway tunnel as a potential future trail connection. We disagree that this is an appropriate connection.

The Scripps Poway Parkway tunnel is a wildlife tunnel installed per the Scripps Poway Parkway (SPP) Extension Project Environmental Impact Report, which stipulated that public use of the tunnel will be restricted to limited use by equestrians to protect the undercrossing for its intended use as a corridor for wildlife movement. The tunnel is critical to maintaining wildlife connectivity within this Biological Resource Core Area (BRCA), which is identified in the MSCP Subregional Plan. Currently, this wildlife tunnel is the only opportunity for non-avian wildlife to move safely north-south across the parkway. Movement to the east is restricted by Highway 67, while secondary roads fragment other portions of the BRCA.

Due to the tunnel's importance for wildlife movement, it has been incorporated into research on regional wildlife movement. The San Diego County Tracking Team (SDCTT) has been collecting data on wildlife use of the tunnel for many years. A non-authorized user-created trail currently exists through the tunnel and is increasing in popularity. SDCTT data indicates that as human use (non-authorized) of the tunnel (both during the day and at night) has increased, use by wildlife has markedly decreased. The SDCTT performed a transect survey in May 2022 and found that 99.9% of the tunnel was covered in mountain bike tracks. Per Table 8-2 (Covered Species Analysis), in the City of Poway's HCP/NCCP, "A species is considered adequately conserved if sufficient habitat or populations within Poway are conserved, along with sufficient habitat linkages, movement corridors, or other special requirements." Ongoing and increased use of the Scripps Poway Parkway tunnel that would result from the proposed connection is inconsistent with the Poway Subarea HCP/NCCP and would negatively impact covered species that inhabit the City's open spaces.

The Wildlife Agencies have expressed to the City of Poway that recreation, other than limited use by equestrians, is not permitted within the tunnel (CDFW SPPE Letter, June 28, 2022). Connection to this tunnel, even with signage designating restricted use as proposed in the PAP, is highly likely to result in increased degradation of the intended ecological function of the tunnel and further constrict north-south wildlife connectivity. We request that the County remove any new trail alignment or segment that connects to the tunnel from the PAP and RMP.

- 2.) Allowing the Use of Electric Bikes (e-bikes) on the Preserve: Per the IS/MND, the County is proposing to allow e-bikes throughout the multi-use trails in the Preserve. It also states that e-bikes are a passive form of recreation, and passive recreation is generally compatible with the MSCP. The Wildlife Agencies acknowledge that passive recreation is generally an accepted compatible use within the MSCP Preserve. However, the ecological impacts from the use of

e-bikes differs greatly from traditional mountain biking. One study equates use of e-bikes as comparable to amplified and intensified mountain bike use (Kuwaczka et. al. 2023). Areas previously less attainable from traditional mountain biking become much more easily reachable with the assisted use of e-bikes, thereby increasing expected spatial use of the Preserve. Furthermore, e-bike use also increases the frequency of human disturbance due to the increased speed of the e-bikes themselves and due to increased human presence. Use of e-bikes are likely to lead to changes in habitat use by sensitive species, alter diurnal activity patterns of wildlife, result in excess soil compaction and erosion, promote nonnative seed dispersal, and therefore may result in direct, indirect, and cumulative impacts to the numerous sensitive species within the Preserve. Further, the use of e-bikes in combination with the proposed increase in authorized trails would result in impacts to covered species beyond those anticipated from passive recreation within the Preserve and create the potential for additional unauthorized access, with its associated effects on sensitive biological resources (Dertien et al. 2018, Lucas 2020). Therefore, the Wildlife Agencies do not support allowing e-bikes in the Preserve and recommend further discussion and coordination with the County to develop an approach for authorized access that will protect the biological resources within the Preserve.

- 3.) Impacts to San Diego Thornmint: San Diego thornmint is a Federally Threatened, State Endangered, County List A and CRPR 1.B.1 species. It is found throughout the Preserve, and it occurs within the survey area for both the proposed trail segments through existing disturbed areas and the proposed re-route of the Rock and Roll Trail segment.

San Diego thornmint is a narrow endemic under the SAP and should be avoided in all aspects of the proposed Project. In areas with existing trails where San Diego thornmint occurs or is adjacent to those trails, fencing and signage should be installed to protect those plants. In areas where new trail segments are proposed and San Diego thornmint is present, we recommend relocating those trails to avoid the species, and provide a minimum buffer of 25 feet between the trail and San Diego thornmint when possible, to ensure that indirect impacts are also avoided. If a 25-foot buffer is not possible, no less than a 10-foot buffer should be provided, along with fencing and signage, at the edge of the trail where it occurs in proximity to San Diego thornmint.

- 4.) Impacts to Quino Checkerspot Butterfly: Quino checkerspot butterfly is a federally endangered species that is not covered under the County's plan. Quino is present within the Preserve, and the Rock and Roll Trail (#22) segment contains suitable Quino habitat. The Wildlife Agencies appreciate the proposed avoidance measures; however, we also recommend that protocol surveys be conducted during the flight season prior to construction. If Quino are detected during protocol surveys, and complete avoidance of the occupied habitat is not feasible, please coordinate with the Service to address potential impacts and permitting needs under the federal Endangered Species Act. Also, please note that Quino has previously been proposed for listing under the California Endangered Species Act (CESA); therefore, permitting by CDFW may also be necessary in the future.

- 5.) Trail Designation and Signage: We recommend that the BRTR state explicitly that signage will be added throughout the Preserve to designate the trail segment changes. The Project includes several changes to the trail system, including the creation of new trails, the connection of existing trails, the formalization of informal trails, and closure of existing trails. Because the Project area supports several sensitive species, new signage throughout the trail system to prevent encroachment into biologically sensitive areas may help to minimize impacts to sensitive species. Furthermore, we recommend that any closed trails are physically blocked using effective barriers, as signage alone is typically insufficient to prevent encroachment. The RMP should also require monitoring of closed trails to ensure that habitat recovers as intended.
- 6.) Temporal Restrictions for Recreational Use. Wildlife exhibit avoidance behavior in response to human recreational disturbance, both spatially and temporally (Patten et al. 2017). To minimize impacts from recreational disturbance to sensitive wildlife, temporal restrictions may be necessary to restrict certain recreational uses during times of the day when sensitive species are most active (Lucas 2020). To protect the sensitive species within the Preserve, we recommend including a measure discussing temporal restrictions, where appropriate, within the Project area.

The following comments (7, 8, and 9) are specific to the Department:

- 7.) Possible Impacts to Crotch's Bumble Bee (*Bombus crotchii*; CESA-candidate): Based on nearby detections of Crotch's bumble bee and the presence of suitable habitat on the Preserve, there is a potential for Crotch's bumble bee and its habitat to be impacted by Project activities. Currently, Crotch's bumble bee is a candidate under the California Endangered Species Act (CESA) and is not covered by the South County MSCP SAP. Construction of the proposed trail alignments and the management activities described in the updated RMP may cause direct mortality to Crotch's bumble bee, or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. Crotch's bumble bee is far-ranging, as they are generalist foragers and can utilize many different plant and vegetation communities. Suitable habitats present within the study area include but are not limited to grasslands, coastal sage scrub, and chaparral with requisite floral resources for nectaring, as well as small mammal burrows which provide potential nest sites.

The Department recommends that a qualified biologist conduct surveys for this candidate species within the Project area during the bumble bee's flight period (March 1st through mid-October; Thorpe et al. 1983). The Department requests that the County work with Department staff to develop an appropriate survey protocol, using the latest available survey guidance from CDFW (Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species). Once Project activities with the potential to impact Crotch's bumble bee begin, we recommend a qualified biologist monitor potential nest sites and floral resources for Crotch's bumble bee and record any observations using photographs and GPS points to report to the California Natural Diversity Database (CNDDDB). If the species is detected and take may occur, the qualified biologist shall notify the Department immediately to avoid take and ensure compliance with CESA.

The Department 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 the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. The Department’s issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the County’s MND for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the County’s document should fully identify the potential impacts to any stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. Whether an LSAA is required to satisfy the requirements of section 1600 *et seq.* can only be determined at the time a formal Notification package is submitted to the Department. If any proposed trail segments impact drainages or channels that include associated riparian resources, we strongly encourage the County to consider submitting a streambed notification package to the Lake and Streambed Alteration Program.

- 8.) 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 CNDDDB. The CNDDDB field survey form can be found online at [Submitting Data to the CNDDDB \(ca.gov\)](#)¹.
- 9.) 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 the Department. 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).

We appreciate the opportunity to comment on the IS/MND and look forward to our continued collaboration in implementing the County’s MSCP SAP. If you have questions or comments regarding this letter, please contact [Emily Gray](#)² of the Department or [James Molden](#)³ of the Service.

¹<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

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Emily Pacholski (23-0119814_CEQA-TA_SD)

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Sincerely,

JONATHAN Digitally signed by
JONATHAN SNYDER
SNYDER Date: 2023.08.22
15:51:00 -07'00'
Jonathan D. Snyder
Assistant Field Supervisor
U.S. Fish and Wildlife Service


David A. Mayer
Environmental Program Manager
California Department of Fish and Wildlife

Enclosure

cc:

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[Jonathan D. Snyder](#),⁵ Service
[Susan Wynn](#),⁶ Service
[Robert Manis](#),⁷ City of Poway

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 28, 2022

Mr. David De Vries
City Planner
City of Poway
13325 Civic Center Drive
Poway, CA 92064
DDeVries@poway.org

Dear Mr. De Vries:

The California Department of Fish and Wildlife (CDFW) and the City of Poway (City) exchanged several emails in May 2021 concerning the recording of conservation easements over 650 acres of mitigation parcels for the Scripps Poway Parkway Extension (SPPE). The recordation of these easements was part of the obligation of the City's Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and inclusion of these parcels in the overall preserve system was necessary to mitigate for SPPE impacts. CDFW initiated a thorough investigation to find any documentation on the conservation easements. Unable to find anything, CDFW began the process of recording the conservation easements. CDFW asked the City for permission to perform visual inspections of the mitigation parcels as part of the recordation process (email dated May 3, 2021) and was denied by Mr. David De Vries on May 24, 2021 (email). Mr. De Vries stated that the City met its obligations per a March 1, 1995, letter from CDFW and that the City's position is "that the visual inspection would've been required 25+ years ago when the properties were purchased and, as such, there are no longer obligations for this visual inspection." At the 2020 Annual Meeting with the City and the United States Fish and Wildlife Service on August 5, 2021, the City stated they would not be pursuing conservation easements over the mitigation parcels and their legal team agreed that were no longer necessary.

While the March 1, 1995, letter from CDFW to the City does read that the City was told it met its mitigation obligations, this is only in reference to the purchase of the mitigation parcels. CDFW's South Coast Region has coordinated with CDFW's Office of General Counsel, reviewing all the SPPE documents, including the City's HCP/NCCP, and determined that the City is still obligated to record the conservation easements. Mitigation for the SPPE was a major obligation of the City's HCP/NCCP and page 14 of the HCP/NCCP Implementing Agreement (IA) states that "The conservation easement, in a form to be approved by CDFG and USFWS, shall identify the CDFG and USFWS as co-beneficiaries of the easement with authority to enforce each of its provisions. Concurrent with the adoption of the General Plan Amendment the City will initiate the establishment of a permanent biological open space easement over 650 acres of land acquired as habitat mitigation in connection with the approved Scripps-Poway Parkway Extension Project as discussed in detail in Section 5.4 of the PSHCP." Exhibit A of Resolution 95-06 from August 15, 1995, states that "The City shall execute the above described conservation easements in favor of the U.S. Fish and Wildlife Service and California Department of Fish and Game provided for the perpetual conservation of the subject SPPE compensation mitigation lands and City-owned OS-RM cornerstone lands for the protection of natural biological resources, including the Covered Species, pursuant to and consistent with the Poway Subarea HCP and companion IA."

Conserving California's Wildlife Since 1870

David DeVries
City of Poway
June 28, 2022
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The mitigation parcels provide important open space for the continued ecological functioning of the covered species within the City's HCP/NCCP. With the conservation easements recorded, management terms would be in place for the protection of habitat and wildlife. If activities on the parcels are outside of these terms, then the ability of the covered species to thrive is jeopardized and therefore the ability of CDFW to provide take authorization through the City's HCP/NCCP is compromised. Another mitigation requirement per the SPPE's Environmental Impact Report was the installation of a wildlife tunnel which stipulated only limited use by equestrians was allowed. This tunnel is critical in maintaining wildlife connectivity within a Core Biological Resource Area (CBRA), which is identified in the Multiple Species Conservation Program Subregional Plan. Currently, this wildlife tunnel is the only opportunity that non-avian wildlife has to move safely north-south through this CBRA. Movement to the east is restricted by Highway 67, while secondary roads fragment other portions of the CBRA. The conservation easements that would cover the mitigation parcels on both sides of the wildlife tunnel would protect the undercrossing for its intended use as a corridor for migrating wildlife.

Due to the tunnel's importance for wildlife movement, it has been incorporated into research on regional wildlife movement. The San Diego County Tracking Team (SDCTT) has been collecting data on wildlife use of the tunnel for many years. A non-authorized user-created trail currently exists through the tunnel and is increasing in popularity, traversing the mitigation parcels on either side of the SPPE. SDCTT data indicates that as human use (non-authorized) of the tunnel (both during the day and at night) has increased, use by wildlife has markedly decreased. The SDCTT performed a transect survey this month (May 2022) and found that 99.9% of the tunnel was covered in mountain bike tracks. Per Table 8-2 (Covered Species Analysis) in the City's HCP/NCCP, it states that "A species is considered adequately conserved if sufficient habitat or populations within Poway are conserved, along with sufficient habitat linkages, movement corridors, or other special requirements." The refusal of the City to follow through with recording the conservation easements over the SPPE mitigation parcels and not managing the wildlife corridor for its intended use potentially jeopardizes the continued existence of those covered species that inhabit the City's open spaces, along with contradicting the language in the HCP/NCCP that requires their protection.

We appreciate the opportunity to continue CDFW's discussion with the City over recording the conservation easements and managing the wildlife tunnel for its intended use as an important wildlife corridor. Questions regarding this letter or further coordination should be directed to David Mayer, Environmental Program Manager at (858) 204-8774 or David.Mayer@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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David Mayer
Environmental Program Manager
South Coast Region

cc: Karen Drewe, CDFW – Karen.Drewe@wildlife.ca.gov
Jonathan Snyder, USFWS – Jonathan.D.Snyder@fws.gov
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