



U.S. FISH AND WILDLIFE SERVICE
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



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

In Reply Refer To:
FWS/CDFW-2023-0128792-CEQA_EIR-SD

[Michael Coyne](#)
Principal Planner
City of Santee
10601 Magnolia Avenue
Santee, California 92071



October 16, 2023
Sent Electronically

Subject: Comments on the Notice of Preparation of an Environmental Impact Report for the Santee Town Center Specific Plan Update (SCH #2023090032)

Dear Michael Coyne:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) for the Santee Town Center Specific Plan Update (Project) dated September 5, 2023. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect biological resources.

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) 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 City of Santee (City) participates in the NCCP program through their enrollment in the County of San Diego Subregional Multiple Species Conservation Program (MSCP) and the development of their MSCP Subarea Plan (subarea plan).

The City is preparing a Program Environmental Impact Report (EIR) addressing a comprehensive update to the Santee Town Center Specific Plan (TCSP). Proposed updates to the TCSP would modify or establish new land use designations, land uses, development standards, and conceptual

guidelines for future development in a core area of the City along the San Diego River. The update is also anticipated to expand the TCSP boundaries to incorporate designated open space areas along the San Diego River.

The Wildlife Agencies offer the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, direct and indirect impacts on fish and wildlife (biological) resources and to ensure the Project is consistent with ongoing regional conservation planning efforts.

1. Consistency with the Draft Subarea Plan: The Wildlife Agencies are currently working with the City on the development of the City's subarea plan. Compliance with approved habitat plans, such as the MSCP, is required by CEQA. Specifically, section 15125(d) of the CEQA Guidelines requires that an EIR discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. We encourage the City to carefully evaluate the consistency of the proposed Project with the draft subarea plan and request that the draft Program EIR includes an assessment of the Project's consistency with the draft subarea plan. In particular, the NOP describes proposed changes to the Arts and Entertainment Overlay District (AEOD) that may encourage impacts within or near the San Diego River. The San Diego River has habitat that supports important populations of wildlife, including federally listed bird species. In addition, much of the area along the San Diego River within the proposed AEOD is included in the draft subarea plan's open space network either as protected open space, San Diego River conservation opportunity area, or City-owned preserve. Any proposed changes should not lead to new, unanticipated direct or indirect impacts or otherwise compromise the conservation goals developed in the draft subarea plan for this habitat and the species it supports.
2. Biological Baseline Assessment: The DEIR should provide a complete assessment of the flora and fauna within the project area, with particular emphasis upon identifying endangered, threatened, sensitive, locally unique species, including any proposed Covered Species under the draft subarea plan, and sensitive habitats. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. CDFW's [California Natural Diversity Data Base](#)¹ (CNDDDB) in Sacramento should be consulted to obtain current information on any previously reported sensitive species and habitat. Sensitive species with potential to occur within the Project area include: San Diego ambrosia (*Ambrosia pumila*), willowy monardella [*Monardella viminea* (*M. linoides* subsp. v.)], western spadefoot toad (*Spea hammondi*), Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), and least Bell's vireo (*Vireo bellii pusillus*). Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, should be conducted. Acceptable species-specific survey procedures should be developed in consultation with the Wildlife Agencies, as needed.

¹ <https://wildlife.ca.gov/Data/BIOS>.

3. Biological Direct, Indirect, and Cumulative Impacts: To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:
 - a. Specific acreages of habitat types that will be impacted due to Project-related activities. Details should be provided on whether impacts will be temporary or permanent.
 - b. Potential adverse impacts from lighting, noise, human activity, invasive species, and drainage. Mitigation measures proposed to alleviate such impacts in onsite undeveloped areas and onto adjacent lands should be included.
 - c. Indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with an NCCP or HCP). Impacts on, and maintenance of, wildlife corridors, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
 - d. Cumulative effects on biological resources. This analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
4. Sensitive Bird Species: We recommend that measures be taken to avoid Project-related impacts to nesting birds, such as tricolored blackbird (*Agelaius tricolor*) and western burrowing owl (*Athene cunicularia hypugaea*). Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of native birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA). Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, surveys by a qualified biologist with experience in conducting breeding bird surveys should be conducted to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

The following comments (5 and 6) are specific to the Department:

5. Wetlands and Riparian Habitats: 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. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the Program EIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. Please visit the Department’s [Lake and Streambed Alteration Program](#)² (ca.gov) for more information (CDFW 2021).
6. Crotch’s Bumble Bee: The California Fish and Game Commission accepted a petition to list the Crotch’s bumble bee (*Bombus crotchii*) as endangered under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. The Department considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. Therefore, we recommend the Project area be assessed to determine the potential for Crotch’s bumble bee to occur onsite. Crotch’s bumble bees primarily nest in late February through late October underground in abandoned small mammal burrows (Williams *et al.* 2014; Hatfield *et al.* 2018). Overwintering sites utilized by Crotch’s bumble bee queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams *et al.* 2014).

The Department recommends that a qualified entomologist familiar with the species’ behavior and life history should conduct surveys within 1 year prior to vegetation removal and/or ground disturbance to determine the presence/absence of Crotch’s bumble bee. If bumble bees are detected, the qualified entomologist should notify the Department immediately to avoid take and ensure compliance with CESA. The Department has published a [Survey Considerations document for CESA Candidate Bumble Bees](#).³ This document describes factors such as evaluating potential for presence, habitat assessment, and survey methods.

We appreciate the opportunity to comment on this NOP. The comments and recommendations provided are based on our knowledge of listed, sensitive, and declining vegetation communities

² <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>.

Michael Coyne (FWS/CDFW-2023-0128792-CEQA_EIR-SD)

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in the City. If you have questions or comments regarding this letter, please contact [Eric Porter](#)⁴ of the Service at 760-431-9440, or [Heather Schmalbach](#)⁵ of the Department.

Sincerely,

JONATHAN SNYDER Digitally signed by
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Jonathan D. Snyder
Assistant Field Supervisor
U.S. Fish and Wildlife Service

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

cc:

[State Clearinghouse](#),⁶ Sacramento.

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LITERATURE CITED

[CDFW] California Department of Fish and Wildlife. 2021. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.

Goulson, D. 2010. Bumblebees: behavior, ecology, and conservation. Oxford University Press, New York.

Hatfield, R., S. Jepsen, S. Foltz Jordan, M. Blackburn, A. Code. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species.

Williams, P.H., R.W. Thorp, L.L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey.