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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

October 11, 2021

**Oct 11 2021**

**STATE CLEARINGHOUSE**

Kirsten Uchitel, Associate Planner  
SANDAG  
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**Subject: San Diego Forward: The 2021 Regional Plan (PLAN); Draft Environmental Report (DEIR); SCH #2010041060**

Dear Ms. Uchitel:

The California Department of Fish and Wildlife (CDFW) has reviewed the San Diego Association of Governments' (SANDAG) DEIR for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may also need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, projects tiering off the Plan may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of projects as proposed under the Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), the project proponent may seek related take authorization as provided by the Fish and Game Code.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW also administers the Natural Community Conservation Planning (NCCP) program. The area encompassed by the Plan is located within planning areas for several NCCP plans within San Diego County (County), including the adopted Multiple Species Conservation Program (MSCP) and Multiple Habitat Conservation Program (MHCP), as well as the draft North County (NC) MSCP and East County (EC) MSCP.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** San Diego Association of Governments (SANDAG)

**Objective:** The Plan is an update to San Diego Forward: The 2015 Regional Plan adopted in October 2015, and the 2019 Federal Regional Transportation Plan, adopted in October 2019. The DEIR analyzes the significant environmental impacts of the proposed 2021 Plan, which focuses on developing an integrated planning strategy for achieving sustainability in the areas of land use decisions, housing development, and planned transportation for the San Diego region through 2050. The planning strategies also focus on coordinating and managing the region's transportation networks, services and program, along with emphasizing the role of public transit in the process. Regional transportation challenges addressed in the Plan include economic and social inequities, climate change, public health, and safety. The Plan creates an integrated transportation system throughout the 11 Major Travel Corridors of the San Diego region, specifically: South Bay to Sorrento; Central Mobility Hub; State Route 125 (SR 125); Interstate 15 (I-15); Interstate 5 (I-5) North Coast Corridor; State Route 94 (SR 94); Interstate 8 (I-8); Coast, Canyons, and Trails; State Route 56 (SR 56); San Vicente; and North County.

The DEIR functions as a Programmatic EIR under CEQA Guidelines Section 15168 for streamlining future projects. The DEIR provides a foundation for second-tier CEQA documents for subsequent projects, but does not analyze the project-specific impacts of individual projects.

The planning horizon of the proposed Plan is 2050. The programmatic and long-term nature of the proposed Plan necessitates a general and at times qualitative approach to the evaluation of impacts. The DEIR analyzes impacts for the two main physical components of the proposed Plan, as well as the combined impacts of these components: regional growth and land use change, and transportation network improvements and programs. SANDAG is required to update the Plan every 4 years, in collaboration with the 18 cities and the County, along with regional, state, and federal partners.

**Location:** The Plan encompasses the entirety of San Diego County, which is more than 4,200 square miles in area. Most of the urban development lies in the western portion of San Diego County near the coast. Development inland in the eastern portion of the region is less dense and has a more rural character. The boundaries of the Plan include the cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and unincorporated areas within the County. Over half of the total land area in the region is not available for public development, including public lands, dedicated parks and open space, lands constrained for environmental reasons, and military use.

**Biological Setting:** The DEIR identifies 17 vegetation types in three categories in the San Diego Region: Wetlands and Riparian (Beach/Coastal Dunes/Saltpan/Mudflats, Marsh, Meadows and Seeps, Open Water and Streams, Riparian Forest/Woodland, Riparian Scrub, Vernal Pools), Uplands (Chaparral, Coastal Scrub, Desert Dunes, Desert Scrub, Oak Woodlands,

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Forest/Woodland, Grasslands), and Other Cover Types (Agriculture, Disturbed Habitat, Urban/Developed). As indicated in the DEIR, 34 federally or state-listed or candidate plant species and approximately 244 additional special-status plant species have known distributions within the County. Twenty-nine (29) federally and/or state-listed or candidate animal species have potential to be found within the County, as year-round residents or as migrants. An additional 138 special-status wildlife species have known distributions within the County.

Wildlife movement occurs along landscape features (e.g., wildlife corridors, habitat linkages) within the boundaries of the Plan. The various County NCCP plans, both adopted and still in draft, identify landscape-level biological linkages that serve to connect large tracts of core habitat. These linkages allow species movement over time between habitat patches that would otherwise be disconnected. Wildlife corridors contribute to population viability by assuring genetic exchange between populations, providing access to adjacent habitat areas for foraging and mating, allowing for a greater carrying capacity, and providing routes for colonization of habitat lands following local population extinctions or habitat recovery from ecological catastrophes, such as wildfires. Corridors also allow species to adapt to climate change because many habitats could lose their original value as the climate changes and force species range shifts into more hospitable areas or climates. The DEIR focuses on the qualitative and quantitative analysis of landscape level regional wildlife movement and habitat linkages rather than specific local corridors (e.g., small canyons, ephemeral drainages); the latter would be evaluated individually during project-level CEQA review.

The Biological Resources section of the DEIR projects significant and unavoidable impacts in 2025, 2035, and 2050 to natural resources from projects tiering from the Plan.

BIO-1 projects significant and unavoidable impacts to sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS and state or federally regulated waters and wetlands through direct removal, filling, hydrological interruption, or other means. BIO-1 mitigation measures include: design, minimization, and avoidance measures for Sensitive Natural Vegetation Communities and Regulated Aquatic Resources; provision of compensatory mitigation; preparation of a Habitat Restoration Plan; preparation of Habitat/Long-Term Management Plans; and implementation of Best Management Practices (BMPs) to avoid indirect impacts.

BIO-2 projects significant and unavoidable direct and indirect impacts to certain species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or listed by CDFW or USFWS, including their federally designated critical habitat, or species that are considered sensitive in CEQA Guidelines Section 15380. BIO-2 mitigation measures include: design, minimization, and avoidance measures for Special Status animal species; provision of compensatory mitigation for Special Status plant and animal species; preparation of a Habitat Restoration Plan; preparation of Habitat/Long-Term Management Plans; and implementation of Best Management Practices (BMPs) to avoid indirect impacts.

BIO-3 projects significant and unavoidable impacts to the movement of native resident or migratory fish and wildlife species, to established native resident or migratory wildlife corridors, and to the use of native wildlife nursery sites. Mitigation would involve facilitation of wildlife movement.

BIO-4 projects that no conflicts with any approved HCPs, NCCPs, other conservation plans, and local biological protection policies and ordinances would occur. The DEIR states that

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encroachment into hardline preserve areas would not conflict with HCPs because biologically equivalent or superior compensation of habitat or project redesign would be required when there is encroachment into hardline preserve areas. Thus, BIO-4 projects less than significant impacts. The draft NC and EC MSCPs were not included in this analysis.

CDFW's primary concerns with respect to climate change in San Diego County are the effects on biodiversity, special status plant and wildlife species, natural vegetation communities, and connections which maintain viable movement corridors between blocks of conserved habitat. Because climate change may impact species directly or indirectly by altering the distribution of vegetation types, promoting non-native species, duration and severity of drought, and increased frequency or magnitude of fires, CDFW considers the use of regional scale, multiple species conservation plans to be a valuable tool to guard against the effects of climate change.

**Timeline:** The 2021 RP projects impacts forward to 2050. SANDAG is required to update the RP every 4 years.

## COMMENTS AND RECOMMENDATIONS

It is the policy of the Department to promote and foster the development of planning strategies at the ecosystem level through active participation in local development of regional NCCPs, which often include innovative multiple species habitat conservation planning efforts (e.g., MSCP). The success of these plans is reliant on maintaining core biological resource areas and habitat linkages that are essential to the long-term biological viability of associated flora and fauna. Many of those projects defined within the Plan extend through diverse and biologically valuable habitats, consequently the need for comprehensive planning and creative designs solutions will be essential to ensure goals and objectives articulated in current and draft NCCP/HCP efforts are not undermined. CDFW believes the Plan provides a unique opportunity to develop and refine the SANDAG policies and strategies that could lead to more effective implementation of resource conservation and species protection. This includes compliance with State and Federal endangered species acts, approved NCCP/HCPs (e.g., County of San Diego's and City of San Diego's approved MSCP and several others) and the in-process NC and EC MSCPs. Our comments below are intended to complement existing work to date and provide guidance to reduce the potential for any subsequent conflict that could occur between existing and/or future plans, and other regulations for species protection (e.g., MSCP/MHCP, Lake and Streambed Alteration Agreements under Fish and Game Code §1600 et seq., Fish and Game Code §3500, et seq., etc.) that have received, or are anticipated to receive, State and Federal permits.

CDFW offers the comments and recommendations below to assist SANDAG in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Recommendations may also be included to improve the document.

### I. Mitigation Measure or Alternative and Related Impact Shortcoming

**COMMENT #1:** The DEIR does not analyze potential conflicts with draft MSCPs.

**Issue:** The Biological Resources section of the DEIR states that conflicts with unapproved or unadopted plans do not require analysis under CEQA (CEQA Guidelines Section 15125(d)(e)). The NC and EC MSCP plans have not yet been implemented; however, in March 2021, the County of San Diego reinstated the Planning Agreements with the USFWS and CDFW for both draft plans. The County has completed the NC MSCP conservation design and identified

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priority areas for conservation that are being considered in the CEQA analysis of development projects within the NC MSCP planning area. While a planning effort for the eastern portions of the San Diego region was considered by the County of San Diego in 2008, the EC MSCP planning efforts have slowed. However, preliminary conservation design was completed for this area and identified focused areas for conservation that are considered during CEQA analysis as described above for the North County.

**Specific impact:**

**Why impact would occur:** Lack of analysis of future conflicts with the draft NC and EC MSCP plans may inhibit forward planning for preservation, acquisition, management and monitoring of open space and biological resources and funding opportunities for support of these conservation actions.

**Evidence impact would be significant:** The *TransNet* Extension Ordinance and Expenditure Plan, approved countywide by voters in November 2004, includes an Environmental Mitigation Program (EMP) which is a funding allocation category for the costs to mitigate habitat impacts for regional transportation projects. The EMP is a unique component of the *TransNet* Extension in that it goes beyond traditional mitigation for transportation projects by including a funding allocation for habitat acquisition, management, and monitoring activities as needed to help implement the MSCP and MHCP, including subarea plans issued under these subregional planning efforts. This funding allocation is tied to mitigation requirements and the environmental clearance approval process for proposed transportation projects. Additionally, SANDAG has been discussing funding needs for planning and implementation of regional conservation efforts throughout San Diego County, including the monitoring and management of regional preserves. CDFW strongly supports completion of NCCP/HCP planning efforts, and believes that development of a regional funding source to support implementation of these plans, should be seen as a critical component of the San Diego Forward program.

**Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)**

**Mitigation Measure #1:**

**To reduce impacts to less than significant:** The proposed Plan covers areas that are critical to the assembly of the County's Multiple Species Conservation Program (MSCP), including NC and EC plans and establishment of Preserve areas. We recommend the DEIR analyze the effects of the proposed Plan on the NC and EC MSCP plans, Preserve assembly, and full implementation of the plans. Any effect (direct or indirect) of the Plan on these draft NCCPs should be evaluated (and mitigated, if necessary). SANDAG staff should coordinate with County staff as well as the U.S. Fish and Wildlife Service and CDFW (jointly, the Wildlife Agencies) to best determine how to evaluate these draft NCCPs in the Plan and DEIR.

**Additional Recommendations**

**Recommendation #1: Regional Wildlife Movement Corridor Map**

The Regional Wildlife Movement Corridor Map (Figure 4.4-15, page 361 of the DEIR) as well as corresponding text on page 362 should be expanded to include certain omitted linkages prior to publication of the final EIR. Connectivity throughout the subregional MHCP should be included; for example, connections through Oceanside for coastal California gnatcatcher

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(*Polioptila californica californica*) should be added to the map. The map is also missing the linkage along the I-15 through North County and there is no reference to it in the text. Additionally, it is not clear if MHPA areas on the map shown near the Border include the north/south connectivity with Mexico near Jacumba for Peninsular Bighorn Sheep (*Ovis canadensis nelsoni*) and whether this is included in the areas referenced in the text on page 362 under the Las Californias Binational Conservation Initiative section. Last, the DEIR should recognize that additional areas for wildlife movement may be subsequently identified through future studies and/or become necessary as a result of future urbanization/development in the County. Thus projects which tier off the final EIR may need to address wildlife corridor issues beyond just the corridors identified in the DEIR.

### **Recommendation #2: Los Angeles–San Diego–San Luis Obispo (LOSSAN) Commuter Rail Corridor Alignment**

Past impacts to coastal resources by rail projects have been significant, and improvements proposed by the Plan are important elements which address removal of serious impediments to restoration of coastal wetlands, as well as removing rail elements from other sensitive habitats. The DEIR discusses major rail-related transportation network improvements, including continued double-tracking at certain locations on the LOSSAN rail corridor and construction of the Del Mar Tunnel. SANDAG has been considering alternatives that would direct the railroad inland and out of Los Peñasquitos Lagoon. However, Figures 2-32, 2-33, and 2-34 in the DEIR show the alignment of the LOSSAN corridor along the coast. We encourage SANDAG to include the proposed realignments in the DEIR maps and clarify which alignment is included in the quantification of impacts.

### **Recommendation #3: 2. New commuter and light rail alignments proposed through the City of San Diego**

CDFW recommends SANDAG conduct early coordination with the Wildlife Agencies and the City of San Diego to design alignments that avoid sensitive resources and preserved lands.

### **Recommendation #4: 3. Proposed upgrade of SPRINTER Rail segments to double tracks**

The North County Transit District's (NCTD) east-west SPRINTER hybrid rail spans 22 miles and connects Oceanside, Vista, San Marcos, and Escondido, serving 15 stations along the Highway 78 corridor. The addition of a second rail to existing SPRINTER tracks could potentially impact riparian corridors in the cities of Oceanside and Vista. CDFW recommends SANDAG conduct early coordination with the Wildlife Agencies and the cities of Oceanside and Vista to minimize impacts to sensitive resources as feasible.

## **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 California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

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## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist SANDAG in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Meredith Osborne, Environmental Scientist, at [Meredith.Osborne@wildlife.ca.gov](mailto:Meredith.Osborne@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*David Mayer*

D700B4520375406...

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Attachments

A. CDFW Comments and Recommendations

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### Attachment A: CDFW Comments and Recommendations

	<b>Recommendations/Mitigation Measures</b>	<b>Timing</b>	<b>Responsible Party</b>
Mitigation Measure #1	The DEIR should analyze the effects of the proposed Regional Plan on the draft NC and EC MSCP, Preserve assembly, and full implementation of the plans. Any effect (direct or indirect) of the Plan on these draft NCCPs should be evaluated (and mitigated, if necessary). SANDAG staff should coordinate with County staff and the Wildlife Agencies to best determine how to evaluate the NC MSCP and the EC MSCP in the Plan and DEIR.	Prior to release of the final EIR	SANDAG
Recommendation #1	The Regional Wildlife Movement Corridor Map (Figure 4.4-15, page 361 of the DEIR) as well as corresponding text on page 362 should be expanded to include all omitted linkages, including MHCP connectivity, I-15 linkage through North County, and North/south connectivity with Mexico near Jacumba for Peninsular Bighorn Sheep.	Prior to release of the final EIR	SANDAG
Recommendation #2	CDFW recommends SANDAG to include proposed realignments of the LOSSAN corridor away from the coast and Los Peñasquitos Lagoon in the DEIR and maps and clarify which alignment is included in the quantification of impacts.	Prior to release of the final EIR	SANDAG
Recommendation #3	CDFW recommends SANDAG conduct early coordination with the Wildlife Agencies and the City of San Diego to design alignments within the City of San Diego that avoid sensitive resources and preserved lands.	Prior to construction	SANDAG
Recommendation #4	CDFW recommends SANDAG conduct early coordination with the Wildlife Agencies and the cities of Oceanside and Vista to minimize impacts from addition of a second rail to existing SPRINTER rails to sensitive resources as feasible.	Prior to construction	SANDAG