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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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October 10, 2025

Daniella Hofreiter
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Subject: Notice of Preparation of a Draft Environmental Impact Report for the Rams Hill Specific Plan Amendment Project, SCH No. 19866082702, San Diego County, CA

Dear Daniella Hofreiter:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from County of San Diego Planning & Development Services (County) for the Rams Hill Specific Plan Amendment (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates 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 (Fish & G. Code, § 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.

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

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CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The County of San Diego, CDFW, and the United States Fish and Wildlife Service (USFWS) signed the Third Restated and Amended Planning Agreement for the development of the North and East County Multiple Species Conservation Program (MSCP) Plans in March of 2021 and are in the process of renewing this Planning Agreement. The proposed Project is within the plan boundary of the draft East County MSCP Plan.

PROJECT DESCRIPTION SUMMARY

Proponent: T2 Borrego (Project Proponent)

Objective: The proposed Project includes a Specific Plan Amendment, Rezone, Major Use Permit modifications, Open Space Easement vacation, and a Development Agreement to reconfigure the remaining development within the site. This would involve changes to the layout and intensity of residential units, hotel and commercial areas, recreational amenities, a fire station, and one or both golf courses, each of which may result in environmental effects related to land use, biological resources, water use, and traffic.

Of the 1,570 homes approved under the existing Specific Plan, 500 units (264 existing homes and 236 vacant lots) are outside the amendment area and will remain unchanged. The amendment focuses on the remaining 1,070 units, which are proposed primarily as single-family homes of various lot sizes.

The site will be rezoned to S-88 (Specific Plan Area), with provisional zoning to allow for residential, non-residential, recreational, open space, and infrastructure uses. The Project also proposes non-residential uses, including commercial, hotel, golf clubhouse, and golf-related facilities, along with 346.37 acres of golf course use. The existing open space easement will be vacated and replaced with a new easement, which may alter

[2] "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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the configuration of preserved natural areas and require evaluation of impacts to biological resources.

Location: The Project is in the unincorporated community of Borrego Springs which is in the northeast corner of San Diego County. Borrego Springs is west of the Salton Sea and surrounded by the Anza-Borrego Desert State Park on all sides. The Project footprint extends both north and south of Borrego Springs Road and is directly east of Yaqui Pass Road. The Project footprint is also within the San Felipe Creek watershed.

Biological Setting: The NOP did not include a biological report, nor did it disclose any biological resources that may occur onsite. Based on aerial imagery, the Project site is partially developed and is surrounded to the north by undisturbed open space, and to the east, south, and west by Anza-Borrego State Park (State Park) which plays a critical ecological role in the region, supporting a wide range of sensitive biological resources, including rare desert plant communities and federally and state listed species such as the Peninsular bighorn sheep. The State Park contains extensive undisturbed habitat that serves as a vital wildlife corridor and refuge, contributing to regional biodiversity and ecosystem resilience. The site is within a desert wash, specifically near San Felipe Creek. The Project site also falls within the draft East County MSCP plan boundaries.

Per CDFW's California Natural Diversity Database[3] (CNDDB), Sightings from iNaturalist 2025, species experts' observations (Jeff Lemm, San Diego Zoo Wildlife Alliance, *pers. comm.,* September 2025; Emily Gray, San Diego Zoo Wildlife Alliance, *unpubl. data,* 2015)., several sensitive species have been documented within the vicinity of the Project area including:

Birds

- Western burrowing owl (*Athene cunicularia*; burrowing owl; California Endangered Species Act (CESA)- Candidate for listing as endangered or threatened)
- Loggerhead Shrike (*Lanius ludovicianus*; California Bird Species of Special Concern (SSC))

Reptiles

- Flat-tailed horned lizard (*Phrynosoma mcallii*; California Species of Special Concern (SSC))
- Colorado Desert fringe-toed lizard (*Uma notata*; SSC)
- California glossy snake (*Arizona elegans occidentalis*; SSC)
- Red diamond rattlesnake (*Crotalus ruber*; SSC)
- Barefoot banded gecko (*Coleonyx switaki*; CESA- listed Threatened)

[3] https://wildlife.ca.gov/Data/CNDDB

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Mammals

- Peninsular bighorn sheep (*Ovis canadensis nelsoni*; Population 2[4]; CESA-Threatened, CDFW Fully Protected Species (FP), Federal Endangered Species Act (ESA)- listed Endangered)
- Southern California ringtail (*Bassariscus astutus octavus*; Ringtail; CDFW Fully Protected Species (FP))
- Earthquake Merriam's kangaroo rat (*Dipodomys merriami collinus*; State Rank S2- Imperiled)
- Southern grasshopper mouse *(Onychomys torridus ramona;* SSC)
- Desert kit fox (*Vulpes macrotis* ssp. *macrotis*; protected under California Fish and Game Code §4150[5]. The Desert Kit Fox is not listed among species that may be taken under Title 14, California Code of Regulations §460, and therefore is protected by default)
- Pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*; State Rank S3S4- rank is between Vulnerable and Apparently Secure)
- American badger (*Taxidea taxus*; SSC, State Rank S3- Vulnerable)
- Pallid Bat (*Antrozous pallidus;* SSC, State Rank S3)

Plants

- Borrego sink (*Spermolepis infernensis;* State Rank S1- Critically Imperiled, California Rare Plant Rank (CRPR) 1B.2)
- Hellhole scaleseed (*Spermolepis infernensis;* State Rank S1, CRPR 1B.2)
- Desert spike-moss (*Selaginella eremophila;* State Rank S2S3- between Imperiled and Vulnerable, CRPR 2B.2)
- San Diego barrel cactus (*Ferocactus viridescens;* State Rank S2S3)
- Palmer's lyrepod (*Lyrocarpa coulteri;* State Rank S4.3- Watch List)

Project History: The Rams Hill Specific Plan was originally approved by the County of San Diego Board of Supervisors in 1980 and amended in 1986. The County certified an Environmental Impact Report (EIR) for the original plan in 1980, followed by a Supplemental EIR in 1986 to address subsequent amendments, including rezoning of previously designated future planning areas. To date, 264 homes, an 18-hole golf course, golf clubhouse, driving range, tennis center, a 6,300-square-foot clinic, and a wastewater treatment facility have been constructed.

[4] The desert bighorn sheep in the peninsular ranges is a Distinct Population Segment (DPS)
[5] California Fish and Game Code §4150 prohibits the take of nongame mammals without specific authorization

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

1) Consistency with the East County MSCP Planning Effort. The Planning Agreement outlines an Interim Review Process to ensure that preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures are not precluded and that Project impacts are adequately mitigated. CDFW requests that the DEIR includes an analysis of Biological Resources to ensure regional conservation objectives of the draft East County plan will not be eliminated by implementation of the Project.

   Furthermore, to ensure compliance with CEQA Guidelines Section 15125(d), the DEIR should discuss any inconsistencies between the proposed Project and applicable general plans and regional plans, such as the draft East County Plan.

2) Advanced Coordination. CDFW appreciates the ongoing coordination with the County and would like the opportunity to continue to discuss new projects when they arise. We strongly recommend the County coordinate with CDFW staff to discuss Project design, alternatives, avoidance, minimization, and compensatory mitigation for individual projects such as Rams Hill during our monthly coordination meetings, prior to the public review period of the CEQA document.

3) CESA. There is the potential for CESA-listed species such as western burrowing owl to be on or near the Project site. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project Proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit.

   To ensure CDFW will be able to rely on the County's CEQA document for the issuance of an ITP, the DEIR should address all Project impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

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4) Peninsular Bighorn Sheep. The Peninsular bighorn sheep (bighorn sheep) in Anza Borrego are recognized as a Distinct Population Segment (DPS) and are currently federally and state listed. Bighorn sheep have been observed throughout this area of Anza-Borrego State Park and the unincorporated community of Borrego Springs, and have been detected on the Project site through radio telemetry (Information disclosed in the Peninsular Bighorn Sheep Evaluation for the SDG&E's Habitat Conservation Plan Amendment, Figure 3-5, 2022). CDFW is concerned the proposed Project footprint lies within an area that supports habitat for bighorn sheep and may serve as an important movement corridor for the species. Habitat fragmentation and loss of connectivity are significant threats to the long-term viability of this population. The Project, as currently described, may result in direct and indirect impacts to bighorn sheep, including but not limited to:

- Loss or degradation of foraging and escape terrain;
- Disruption of movement corridors that facilitate seasonal migration and gene flow;
- Increased human activity and disturbance, which can lead to habitat avoidance (Papouchis et al. 2001);
- Potential barriers to movement, such as fencing, roads, light pollution, or other infrastructure.

CDFW recommends the DEIR include a thorough analysis of all potential impacts to Peninsular Bighorn Sheep, including direct, indirect, and cumulative effects on habitat and connectivity. The analysis should incorporate the best available science and consider the Recovery Plan[6] for Bighorn Sheep, as well as recent telemetry and habitat modeling data where available.

5) Burrowing Owl. According to CNDDB, there are several recent observations of burrowing owls within one mile of the Project site. Additionally, the open desert habitat on site may include inactive small mammal burrows suitable for burrowing owls during the breeding season. On October 10, 2024, the California Fish and Game Commission accepted a petition to list western burrowing owl as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. As a candidate species, western burrowing owl is granted full protection of a threatened or endangered species under CESA. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take of individual burrowing owls and their nests

[6] Peninsular Desert Bighorn Sheep Conservation

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is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513.
Project activities may adversely impact burrowing owl through burrow destruction, construction disturbance (i.e., elevated noise, vibration), permanent removal of habitat, and direct injury and/or mortality.

To ensure burrowing owls do not currently occupy the Project area, CDFW recommends the Project proponent retains a qualified biologist to conduct focused surveys for burrowing owls no more than one year from the date of the finalization of the EIR. A qualified biologist should survey for burrowing owls adhering to survey methods described in CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). The survey area should include the Project area and 150 meters from the Project area where suitable habitat is present. Burrowing owl surveys should be conducted over four site visits as follows: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.

The DEIR should provide recent data on the presence or absence of burrowing owls and discuss the Project's impact on burrowing owls and suitable owl habitat. An impact assessment for burrowing owls should consider that this species is somewhat transitory seasonally, and evaluate impacts resulting from Project construction (e.g., grading) activities as well as from habitat loss on site and cumulatively in the surrounding region. Adequate disclosure in the DEIR is recommended so CDFW may review data pertaining to burrowing owls and provide comments and recommendations specific to the Project's potential alternatives, mitigation measures, and any potential significant effects. The DEIR should also provide measures to minimize and mitigate potential impacts to onsite burrowing owls and further address the loss of suitable habitat from a perspective of cumulative impacts in Borrego Springs. CDFW recommends mitigation methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

6) Sensitive Reptile Species. There are several special-status reptile species that have the potential to occur on and near the Project site. According to CNDDB, research-grade iNaturalist sightings, and local herpetologists, flat-tailed horned lizards, Colorado Desert fringe-toed lizards, California glossy snakes, red diamond rattlesnakes, and barefoot banded geckos have been detected in the Project area. Project activities may result in death or injury of adults, juveniles, eggs, or hatchlings. Moreover, complete buildout of the Project may eliminate foraging, breeding, or refugia for these species.

Given the presence of suitable habitat in and around the Borrego Springs area, the potential for these species to occur on or near the project site is high. To ensure compliance with CEQA and to avoid impacts to these sensitive reptiles, CDFW recommends the County thoroughly discuss the potential impacts to these species in

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the DEIR as well as incorporate suitable mitigation measures including but not limited to:

- Conducting focused, protocol-level surveys during the appropriate seasonal activity periods (typically spring through early summer).
- Surveys should be performed by qualified herpetologists familiar with the target species and their microhabitat requirements.
- If any of these species are detected, avoidance measures, habitat buffers, and/or relocation protocols should be developed in coordination with CDFW.

It should be noted that the temporary relocation of wildlife does not constitute effective mitigation for the purpose of offsetting permanent Project impacts associated with habitat loss. Salvage, relocation, or translocation of any special status reptile species will require the appropriate handling permits and incidental take permits. Early coordination with CDFW is highly recommended.

7) Sensitive Mammal Species. There is the potential for several special status mammal species to occur on or near the Project site. According to CNDDB and research-grade iNaturalist sightings, southern California ringtail, Earthquake Merriam's kangaroo rat, southern grasshopper mouse, desert kit fox, Pallid San Diego pocket mouse, Pallid bat, and American badger have been observed on or near the Project site. Direct impacts to wildlife could result in the form of trampling and crushing from Project activities, including equipment staging, mobilization, grading, and vegetation clearing. Project activities such as vegetation removal will also result in habitat destruction. Project buildout could also eliminate foraging and breeding habitat, and refugia sites for these species.

a. *Southern California Ringtail*. Ringtails are exceedingly rare in the region due to their secretive behavior, specialized habitat needs, and sensitivity to human disturbance, but have been documented in Anza-Borrego State Park, Borrego Springs, and in Ocotillo Wells. Ringtails are known to inhabit rocky outcrops, canyon walls, and desert riparian zones, habitats that are present in and around the Borrego Springs region. Given the proximity of the project site to Anza-Borrego Desert State Park and other suitable habitat, there is a reasonable possibility that ringtails may occur on or near the site. Their secretive behavior and nocturnal habits make them difficult to detect without targeted surveys. Ringtail is a Fully Protected Species under Fish & G. Code § 3511 and Fully Protected Species may not be taken or possessed at any time except with authorization from CDFW and only under specific circumstances which would not apply to the Project. Under FGC §4700, it is unlawful to take, possess, or harm ringtails at any time. This includes direct mortality, harassment, or destruction of dens or habitat. CEQA requires that lead agencies avoid or

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mitigate significant impacts to wildlife, particularly species with special legal protections.

To comply with CEQA and Fish and Game Code §4700, the DEIR should:

- Evaluate the potential for ringtail presence based on habitat suitability and regional occurrence data,
- Include focused surveys results if suitable habitat is present,
- Include avoidance measures to avoid disturbance to rocky outcrops, canyon walls, or other potential denning areas,
- Detail avoidance and minimization measures to prevent take or harassment and provide mitigation for impacts to suitable ringtail habitat.

Failure to consider the potential presence of ringtails could result in non-compliance with both CEQA and state wildlife protection laws. CDFW urges the County to ensure that this species is fully considered in the biological resources assessment and that appropriate avoidance and mitigation measures are incorporated into the Project.

b. *Desert kit fox.* The Desert Kit Fox is a vital component of California's desert ecosystems, serving as both a predator and prey species that helps maintain ecological balance. As a small, nocturnal carnivore, it plays a key role in controlling rodent populations and contributes to the overall health of arid habitats. Its presence is also an indicator of intact and functioning desert ecosystems. Although the Desert Kit Fox is not currently listed as a threatened or endangered species under the California Endangered Species Act, it is protected under California Fish and Game Code §4150, which prohibits the take of nongame mammals without specific authorization. The Desert Kit Fox is not listed among species that may be taken under Title 14, California Code of Regulations §460, and therefore is protected by default.

Any project subject to CEQA that may impact Desert Kit Fox or their habitat must fully evaluate those impacts in the environmental review process. This includes direct impacts (e.g., habitat destruction, vehicle strikes, or construction disturbance) and indirect impacts (e.g., habitat fragmentation, increased human activity, or introduction of invasive species).

Mitigation measures should include, at minimum:

- Pre-construction surveys by qualified biologists;
- Avoidance of active dens;

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- Establishment of no-disturbance buffers;
- Habitat restoration or compensation for lost habitat.

Failure to adequately address potential impacts to the Desert Kit Fox would not only violate CEQA's mandate to avoid or mitigate significant impacts to wildlife but could also result in unlawful take under Fish and Game Code §4150.

8) Lake and Streambed Alteration. According to aerial imaging and California Streams Dataset, there appears to be two drainages of the San Felipe Creek that flow through the Project area (CDFW 2025). The Project footprint also seems to be in the middle of a desert wash, that can seasonally flood. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that the County assess whether notification is appropriate and disclose the need for an LSAA within the DEIR. A Notification package for a LSAA may be obtained by accessing CDFW's Lake and Streambed Alteration Program website[7].

9) Impacts to Sensitive Habitat from Artificial Light. CDFW recommends that the Project install lights that do not have negative impacts on wildlife. The city of Borrego Springs was designated as an International Dark-Sky (IDA) Community in 2009 (Dark Sky International 2025), and the Project footprint is within an area that does not experience high amounts of artificial light at night (ALAN) and will directly abut sensitive habitat for several species. ALAN is increasing in extent and intensity across the globe. It has been shown to interfere with animal sensory systems, orientation, and distribution, with the potential to cause significant ecological impacts (Barrientos et al. 2023). ALAN also causes changes in reproductive timing or success of birds in response to light leading to phenological mismatches and lower fitness (Barrientos et al. 2023). The impacts of light pollution also cause responses from plants and wildlife that include advance of spring leaf budding in deciduous trees, inhibition of mating insects under artificial light, wildlife shifts to darker/brighter areas where perceived predation risk is lower, and avoidance of lit wildlife crossings by mammals creating a barrier effect for linear infrastructure (Barrientos et al. 2023). The issue of light pollution and the associated impacts to wildlife should be considered when planning for additional development within Borrego Springs.

[7] http://www.wildlife.ca.gov/Conservation/LSA

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General Comments

10) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

11) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR.

- A complete discussion of the purpose and need for, and description of the proposed Project.

- A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the County select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the County consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

- Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- Where the Project may impact aquatic and riparian resources, CDFW recommends the County select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may

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cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.

12) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.

- Information on the regional setting is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the Vegetation Classification and Mapping Program - Natural Communities webpage[8].

- A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*[9]. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

[8] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities
[9] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline

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- Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The Manual of California Vegetation[10], second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site.

- A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's California Natural Diversity Database[11]. The CNDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.

- A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines[12] for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.

a. A recent wildlife and rare plant survey. A lack of records in the CNDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive

[10] https://vegetation.cnps.org/
[11] https://wildlife.ca.gov/Data/CNDDB
[12] https://wildlife.ca.gov/conservation/survey-protocols

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taxa, particularly if Project implementation build-out could occur over a protracted time frame or in phases.

13) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following.

- A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include 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 a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).

- A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).

- Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.

- A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.

- An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

14) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

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Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). the County's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the County concludes that the Project would not result in cumulative impacts on biological resources, the County, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

15) Nesting Birds. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be allowable depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

16) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

a. The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation

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monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

b. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

17) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and, therefore, are inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.

18) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.

As stated in section 6.7.1 "Conservation of Lands Acquired/Protected" of the Planning Agreement, conserved lands within the draft North or East County Plan areas that contain native species of wildlife or natural communities prior to approval of the Plans, may be credited towards the overall preserve, provided that the lands are permanently conserved and managed and contribute to the conservation strategy for the North and East County Plans. CDFW requests the DEIR stipulate that mitigation lands associated with the Project containing proposed covered species are managed for the benefit of those proposed covered species.

19) Translocation/Salvage of Plants and Animal Species. Relocation and translocation are the physical acts of moving or removing plants and wildlife from one location and permanently moving it to a new location for its long-term protection. CDFW generally

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does not support the use of relocation or translocation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are often ineffective without long-term monitoring, and the outcome is typically unreliable. CDFW has found that permanent preservation and management of habitats capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.

20) Scientific Collecting Permit and Voucher Collecting Permit. A Scientific Collecting Permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor Project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's Scientific Collecting Permit webpage[13].

A voucher collection permit is required to collect state-listed plant species for identification purposes during field surveys, or to collect voucher specimens to document a newly discovered or previously unvouchered occurrence of a state-listed plant. There is no charge to apply for a voucher collection permit. Anyone who collects scientific plant specimens of state-listed species, or who may encounter a state-listed species during field surveys should have a plant voucher collection permit. To apply for a Voucher Collecting Permit please see CDFW's Voucher Collecting Permit Page.

21) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies[14]. Through its Wetlands Resources policy, the Commission "…seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in our conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

[13] https://wildlife.ca.gov/Licensing/Scientific-Collecting
[14] https://fgc.ca.gov/About/Policies/Miscellaneous

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a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

22) Use of Native Plants and Trees. CDFW recommends the County require the Project Proponent to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project, especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate', 'High', 'Limited', and 'Watch' by the California Invasive Plant Council[15] CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting native species of trees, such as oaks (Quercus genus), and understory vegetation (e.g., ground cover, vines, subshrubs, and shrubs) that create habitat and

[15] https://www.cal-ipc.org/plants/inventory/

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provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

ENVIRONMENTAL DATA

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 California Natural Diversity Database (CNDDB). The CNDDB website[16] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[17].

The County should ensure data collected for the preparation of the DEIR is properly submitted.

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 NOP to assist DEIR in identifying and mitigating Project impacts on biological resources.

[16] https://wildlife.ca.gov/Data/CNDDB
[17] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

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

Sincerely,

Signed by:
Glen Lubcke
AD7D070BCB66466...

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