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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Mr. Mike Yengling
California Department of Parks and Recreation
Southern Service Center
2797 Truxtun Road, Barracks 26
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Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Torrey Pines State Natural Reserve Utility Modernization Project, San Diego, CA (SCH# 2019079067)

Dear Mr. Yengling:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Torrey Pines State Natural Reserve Utility Modernization Project Mitigated Negative Declaration (MND), dated July 2019. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA], Guidelines §15386) and pursuant to our authority as 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 program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

Torrey Pines Natural Reserve (Reserve), located between the communities of La Jolla and the City of Del Mar, is located within City limits. The project will extend from approximately 1,000 feet south of the Reserve's southern entrance, continue along Park Road, and end at the Fleming House roughly 750 feet northwest of the Visitor's Center. The project will update and replace antiquated infrastructure under 1.1 miles of existing road for water, sewer, telecom, and electrical utilities. Trenching will be used along approximately 80% of total length of the project and horizontal directional drilling (directional drilling) will be used for approximately 20% of the total length. Installation of fire hydrants and sewer lift/pump stations are also described, which may require vegetation clearing. Construction is estimated to occur over nine months.

The Reserve lies within the MSCP's Core Biological Resource Area 14: Los Peñasquitos Lagoon/Del Mar Mesa/Peñasquitos Canyon, which is included in the Northern Area of the City's MSCP SAP, and possesses high to moderate habitat value. Thirteen vegetation communities were identified within the project survey area (Tier I-IV per the City's MSCP/Multi-Habitat Protection Area (MHPA)). Sixteen special-status plants were observed within the survey area, including San Diego barrel cactus (*Ferocactus viridescens*; California Rare Plant Rank (CRPR) 2B.1; MSCP-covered species), short-leaved dudleya (*Dudleya brevifolia*; CESA listed endangered; CRPR 1B.1; MSCP-covered species), and wart-stemmed ceanothus (*Ceanothus*

verrucosus; CRPR 2B.2; MSCP-covered species). Six special-status animals were observed as well: American peregrine falcon (*Falco peregrinus anatum*; State Fully Protected Species; MSCP-covered species), Coastal California gnatcatcher (*Poliophtila californica californica*; State species of special concern (SSC) and Endangered Species Act (ESA) -listed threatened; MSCP-covered species), Cooper's hawk (*Accipiter cooperii*; MSCP-covered species), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; MSCP-covered species), western bluebird (*Sialia Mexicana*; MSCP-covered species), and orange-throated whiptail (*Aspidoscelis hyperythra*; MSCP-covered species).

The Department's primary concerns regarding the proposed project are potential impacts associated with hydrofractures and impacts to sensitive species. The Department offers the following comments and recommendations to assist the California Department of Parks and Recreation (CDPR) in avoiding or minimizing potential project impacts on biological resources.

1. The MND does not analyze potential impacts of the project on biological resources as a result of the project's implementation of directional drilling. While the directional drilling method generally creates fewer impacts than traditional trenching, the use of a clay lubricant, specifically bentonite slurry, can have permanent and lasting impacts on amphibians, aquatic reptiles, fish, other aquatic species and their habitats when hydrofractures (commonly referred to as "frac-outs") occur. Bentonite is often considered non-toxic; however, invertebrates, aquatic plants, fish, and their eggs can be smothered by fine particles of bentonite if it is discharged into waterways.

The Department recommends that the MND include a discussion as to the potential of hydrofractures to impact sensitive species and habitats in the Reserve. This discussion should include a mitigation measure that focuses on the minimization of impacts that may occur from hydrofractures associated with directional drilling. This mitigation measure should include the following techniques to reduce potential for hydrofracture and inadvertent returns:

- a. drilling shall halt immediately when a hydrofracture is detected, and hydrofractures shall be cleaned immediately after they occur, if feasible. Necessary response equipment shall be readily accessible and in good working order;
- b. borehole pressures should be monitored during all drilling, boring, and reaming activities. The monitor should be independent of and work closely with the drill operator during operations. The drill operator and/or monitors shall have the authority to halt HDD activities without reprisal;
- c. all field personnel shall understand their responsibility for timely reporting of hydrofractures; and,
- d. techniques to reduce potential for hydrofracture and inadvertent returns, such as:
 - i. sufficient earth cover for the given substrate should be used to increase resistance to hydrofracture;
 - ii. an adequately dense drilling fluid should be used to avoid travel of drilling fluid in porous sands;

- iii. the bore should be conducted in a manner that avoids collapse;
 - iv. borehole pressure should be maintained low enough to avoid hydrofracture;
 - v. reaming and pullback rates should be maintained at rates slow enough to avoid over-pressurization of the bore;
 - vi. the surface above the vicinity of the drill head should be visually monitored for surface evidence of hydrofracture; and,
 - vii. drilling methods should be modified to suit site conditions such that hydrofracture does not occur.
2. Mitigation measure BIO 3.1 states that short-leaved dudleya and other sensitive plant species will be protected via visual barriers/demarcation and “[a]ny other measures deemed necessary by the project biologist shall also be employed to avoid disturbance to the species” (page 34). The mitigation measure does not specify what other measures may or may not be appropriate for avoiding impacts to sensitive plants. We recommend that BIO 3.1 be amended to describe other measures that should be considered by the monitoring project biologist that will be used to avoid impacts to sensitive species.

The Department appreciates the opportunity to comment on the MND for this project and to assist the CDPR in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the CDPR has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines; §15073(e)). If you have any questions or comments regarding this letter, please contact Jennifer Turner of the Department at (858) 467-2717 or via email at jennifer.turner@wildlife.ca.gov.

Sincerely,



Gail Sevens
Environmental Program Manager
South Coast Region

ec: Patrick Gower (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

