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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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South Coast Region
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August 21, 2026

Megan Hamilton
Senior Planner
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101
Mhamilton@portofsandiego.org

Subject: DRAFT ENVIRONMENTAL IMPACT REPORT for the for East Harbor Island Redevelopment/Topgolf and Waterfront Park Project, SCH No. 2023110463, SAN DIEGO COUNTY, CA

Dear Megan Hamilton:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) San Diego Unified Port District (District) for East Harbor Island Redevelopment/Topgolf and Waterfront Park Project (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.

CDFW ROLE

[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 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.

PROJECT DESCRIPTION SUMMARY

Proponent: Topgolf USA SDP, LLC

Objective: The objective of the Project is to redevelop approximately 22.4 of a 38-acre site on East Harbor Island within the San Diego Unified Port District's jurisdiction in the City of San Diego to construct a Topgolf facility and waterfront park and promenade. Project activities include the demolition of three rental car facilities and temporary staging offices, realignment of Liberator Way, redevelopment of 9.8 acres for the Topgolf visitor-serving attraction, and the development of a new 10.1-acre waterfront park and promenade. The proposed Topgolf attraction would feature a three-story, 46-foot-tall building totaling 67,030 square feet. A 4.5-acre turf outfield would be surrounded by netting supported by poles between 90 and 170 feet tall. The Project would also remove, repair, and/or replace the existing concrete revetment with shoreline protective devices such as riprap and, where feasible, nature-based solutions.

Location: The Project site is located on the eastern section of Harbor Island in San Diego Bay. The site is bounded to the north by North Harbor Drive and the San Diego International Airport, to the west by Harbor Island Drive, to the south by Liberator Way and the East Basin of San Diego Bay, and to the east by the Convair Lagoon portion of San Diego Bay. Liberator Way runs east–west along the southern portion of the Project area.

Timeframe: Construction is expected to begin in early 2027 and last up to 28 months. Project operation is expected to begin in 2028.

Biological Setting: The San Diego Bay shoreline is located within the Pacific Flyway. Although the terrestrial portion of the Project area is largely developed, the shoreline and ornamental

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vegetation provide important stopover habitat for migratory species and shorebirds. San Diego Bay waters support many resident and migratory fish and sensitive wildlife, such as California least tern (*Sternula antillarum browni*), western snowy plover (*Anarhynchus nivosus nivosus*), and green sea turtle (*Chelonia mydas*). Important marine plants such as eelgrass (*Zostera marina*) support those fish and wildlife species and are present within the Project's construction area. Eelgrass is important as fish nursery habitat and supports juvenile and adult fish. San Diego Bay waters also support Northern anchovy (*Engraulis mordax*), an important forage fish for California least tern (*Sternula antillarum browni*).

Per the Biological Resources Technical Report (BRTR; Harris & Associates, July 2026), biological surveys including vegetation and land cover mapping, avian surveys, and general biological reconnaissance surveys were conducted January – October 2024.

Based on CDFW's review of the BRTR and the California Natural Diversity Database[2] (CNDDB; CDFW 2026), the following sensitive species[3] were detected or have the potential to occur within or near the Project site:

Reptiles:

- Green sea turtle (ESA Threatened)

Birds:

- California least tern (least tern; CESA Endangered, CDFW FP)
- Western snowy plover (ESA Threatened)
- California brown pelican (*Pelecanus occidentalis californicus)*
- Double-crested cormorant (*Nannopterum auritum*; CDFW WL)
- Cooper's hawk (*Accipiter cooperii*; WL)
- California horned lark (*Eremophila alpestris actis*; WL)

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[2] https://wildlife.ca.gov/Data/BIOS

[3] Nomenclature and species status follows the CNDDB Special Animals List (CDFW, January 2026) and Special Vascular Plants, Bryophytes, and Lichens List (CDFW, January 2026). ESA = Federal Endangered Species Act, CESA = California Endangered Species Act, FP = state Fully Protected Species, SSC = state Species of Special Concern, WL = state Watch List, CRPR = California Rare Plant Rank

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Project History: In December 2023, CDFW provided a comment letter on the Notice of Preparation for the Project (SCH No. 2023110463). Our letter recommended further analysis on the netting poles and their potential to be raptor perches that could possibly impact the nearby tern colony; further analysis on the potential for bird entanglement in the golf netting; an artificial light study that would analyze impacts to bird and bat behavior and lastly, CDFW's Marine Region recommended that any planned in-water work for the Project be fully described in the DEIR.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions are also included to improve the document.

COMMENT # 1: Barrier Netting System Impacts to Avian Species

Issue: The DEIR does not provide sufficient site-specific analysis or evidence to support its conclusion that impacts to birds from the proposed barrier netting system would be reduced to less than significant through implementation of Mitigation Measure (MM) BIO-4.

Specific impact: The Project proposes to install poles up to 170 feet tall with golf netting surrounding the 4.5-acre outfield. With the proposed barrier netting system, TopGolf's proposed facility would be substantially taller than existing surrounding development and creates a substantial risk of bird entanglement and collision. The DEIR acknowledges the Project occurs along the Pacific Flyway, a major bird migratory route, and that the barrier netting and associated lighting could result in bird strikes and entanglements. To reduce potentially significant effects, MM BIO-4 requires several bird-friendly design specifications for the barrier netting system, routine net inspections, and a three-year post-construction monitoring and adaptive management program. However, the DEIR does not provide sufficient evidence demonstrating that these measures would reduce collision and entanglement mortality to a less than significant level.

Why impact would occur: Tall net structures can obstruct avian flight paths, particularly during low-light periods such as dawn and dusk, when birds are more likely to misjudge or fail to detect these barriers. Several sensitive bird species are known to occur on or near, or migrate through, the Project site. CDFW acknowledges that the DEIR relies in part on

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

monitoring at the Topgolf Burlingame facility, where birds were observed detecting marked black netting and altering their flight paths to avoid it, to substantiate the efficacy of the proposed measures. However, the BRTR appropriately recognizes that those results are limited to one Topgolf location and do not negate documented entanglements at other Topgolf facilities or the potential for future incidents. Collision and entanglement risk varies with site-specific variables like season, species, flight behavior, weather and visibility, and nighttime illumination. The Burlingame observations do not independently establish the magnitude of collision or entanglement risk at the Project site. While increasing structure visibility through markers or other design features may reduce collision rates, the DEIR does not identify scientific evidence evaluating the effectiveness of those measures.

Additionally, MM BIO-4 does not establish clear biological performance criteria or contingency measures for implementation of the post-construction monitoring and adaptive management program to ensure impacts from the barrier netting system remain at a level below significant. If the barrier netting system does not perform as anticipated, sensitive and/or migratory bird species may collide or become entangled in the netting, resulting in injury or mortality.

Evidence impact may be significant: Several special status and migratory species occur or migrate through the Project site. Take of migratory birds is prohibited under the California Migratory Bird Treaty Act (Fish & G. Code, § 3513). Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law under CESA (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts to CESA listed species and their habitats may result in a mandatory finding of significance because the Project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines § 15065). CEQA also provides protection not for SSC which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect on any species identified as a candidate, sensitive, or special status species by CDFW.

CEQA Guidelines § 15064(b) requires a significance determination to be based, to the extent possible, on scientific and factual data and expressly recognizes that the significance of an activity may vary with its environmental setting. CEQA Guidelines § 15126.2(a) further requires an EIR's impact analysis to consider the relevant specifics of an affected area, resources

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

involved, physical changes, and alterations to ecological systems. As such, evidence that mitigation techniques have performed successfully elsewhere (i.e., Topgolf Burlingame) may inform the analysis, but the DEIR should establish why those results are applicable to the biological conditions and migratory use of the Project site.

An EIR must provide sufficient information regarding a biological impact to permit meaningful evaluation of both its significance and the adequacy of the proposed mitigation (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 654-658). The DEIR identifies potentially significant risks of injury, mortality, entanglement, and interference with bird movement but does not characterize the magnitude of those effects or otherwise explain what level of residual impact would support a less than significant conclusion.

While MM BIO-4 incorporates a three-year post-construction monitoring and adaptive management program, important components of that program are undefined. The future monitoring plan will establish the survey frequency and methods, bird-net interaction monitoring methodology, and procedures for documenting collisions. MM BIO-4 does not identify an objective biological performance standard or threshold that triggers corrective action; instead, future adaptive management measures are to be developed and implemented "if needed". CEQA permits details of mitigation to be developed later only where the agency commits to mitigation and establishes sufficiently specific performance standards to guide future implementation (CEQA Guidelines, § 15126.4(a)(1)(B); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-671). Because the DEIR relies on MM BIO-4 to reduce an acknowledged potentially significant impact below significance, MM BIO-4 should establish measurable performance standards and adaptive management triggers prior to Project approval.

Under CEQA Guidelines section 15130, a DEIR must evaluate cumulative impacts, including situations where individual minor incidents may become significant when considered over time. Although isolated bird entanglements from tall golf-net structures may appear infrequent, these incidents represent incremental effects that could become cumulatively considerable as defined in CEQA Guidelines sections 15130(a) and 15355. As additional bird collisions or entanglements occur, the combined, long-term effect could rise to a level of significance under CEQA and therefore must be fully disclosed and analyzed within the DEIR's cumulative impact section.

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Recommendation # 1: **Barrier Netting System Impact Analysis**. The DEIR should include a thorough impact analysis that clearly discloses and quantifies all possible and cumulative impacts to sensitive avian species, including California least terns, from the proposed barrier netting system. This analysis should at a minimum include site specific avian movement patterns, roosting, foraging, and migratory behaviors at different times of the year and how the installation of these structures would impact these patterns.

Mitigation Measure # 1: **Post-Construction Avian Monitoring Program**. Prior to Project approval, the Project applicant shall prepare a post-construction Avian Collision and Entanglement Monitoring Plan in consultation with CDFW and the United States Fish and Wildlife Service (USFWS) for review and approval by the District. The Plan shall be prepared by a qualified biologist and shall establish standardized methods sufficient to evaluate the effectiveness of the barrier netting system and associated avoidance and minimization measures.

Monitoring shall occur for an initial 3-year period following commencement of Project operations, which may be extended if performance standards of the adaptive management plan are not met. The monitoring plan shall include, at minimum: standardized searches for injured and dead birds and observations of bird-net interactions, including avoidance, collision, and entanglement; a biologically appropriate monitoring frequency, including increased monitoring during bird migration seasons and representative nighttime monitoring sufficient to characterize nocturnal bird-net interactions; and a standardized reporting system shared with the District, CDFW, and USFWS.

Mitigation Measure # 2: **Avian Collision and Entanglement Performance Standards and Adaptive Management**. Prior to Project approval, the Project proponent, in consultation with CDFW and USFWS, shall establish objective and measurable performance standards for avian collision, injury, mortality, and entanglement with the barrier netting system. The performance standards shall identify thresholds that require implementation of corrective measures. Any collision, injury, mortality, or entanglement involving a state- or federally listed or Fully Protected species shall be reported to CDFW and USFWS within 24 hours of discovery.

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Adaptive management triggers shall include, at minimum, repeated collision or entanglement events associated with the same project feature or location and exceedance of the established collision or mortality performance standards. When a performance standard is exceeded, the Project Proponent shall implement appropriate corrective measures. Corrective measures may include, but are not limited to, modification of flight-diverter density, type, placement, or contrast; modification of net visibility, tension, or configuration; modification or replacement of perch deterrents; modification of lighting intensity, shielding, orientation, or operating schedule; and other measures demonstrated to reduce the identified impact.

Following implementation of corrective measures, focused effectiveness monitoring shall be conducted to determine whether the applicable performance standard has been achieved or if additional measures are necessary. Monitoring shall extend beyond the initial three-year period where a performance standard is exceeded or corrective measures are implemented and shall continue until effectiveness of the corrective measures has been demonstrated.

COMMENT # 2: Artificial Light at Night

Issue: The DEIR does not include a quantitative lighting analysis that assesses the impacts of artificial light at night (ALAN) on wildlife species nor mitigation measures to sufficiently demonstrate impacts would have a less than significant effect.

Specific impact: The Project would introduce new and increased long-term nighttime sports lighting to San Diego Bay around the proposed outfield. Sports lighting would be mounted 27 feet and 42 feet above grade to illuminate golf balls, illuminating the area as late as 1am or 2am daily. The ALAN would disrupt wildlife behavior, including activity and foraging patterns, and may cause attraction, disorientation, congregation, and increased collision risk in sensitive and migratory birds.

Why impact would occur: ALAN has been shown to change animal behavior in a variety of ways even where illumination does not spill into occupied habitat. Increased artificial light can displace wildlife to areas where perceived risk is lower; can change the reproductive timing or success in birds, which can lead to lower fitness; and can act as barrier to wildlife movement (Barrientos et al. 2023). Nocturnal migrating birds are drawn to artificial light;

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

ALAN from operation of the Project until 1 or 2am every day of the year, especially in an area within the Pacific Flyaway, increases the potential for bird strikes and netting entanglement (Aulsebrook et al. 2021). Per Section 6.1.1.2 of the BRTR, due to the high aiming angle required to light the golf balls in flight from the building, the light spill from sports lighting is expected to exceed the threshold of significance for impacts to sensitive plant and wildlife species. MM BIO-4(1)(c) requires lighting design features to minimize impacts to wildlife for outdoor lighting but specifically excludes the outfield sports lighting. The DEIR does not demonstrate how application of wildlife-sensitive design measures primarily to other Project lighting sufficiently mitigates the biological effects attributed to the sports lighting itself.

Evidence impact would be significant: Several special status and migratory species occur or migrate through the Project site. Take of migratory birds is prohibited under the California Migratory Bird Treaty Act (Fish & G. Code, § 3513). Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law under CESA (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts to CESA listed species and their habitats may result in a mandatory finding of significance because the Project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines § 15065). CEQA also provides protection not for SSC which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect on any species identified as a candidate, sensitive, or special status species by CDFW.

While MM BIO-4 incorporates wildlife-sensitive design requirements for exterior lighting, these requirements do not address the Project's sports lighting. The DEIR identifies the sports lighting and its high aiming angle as a source of potentially significant biological effects. Where an EIR relies on mitigation to support a less than significant conclusion, the mitigation must avoid or sufficiently reduce the identified significant effect to support that conclusion (Pub. Resources Code, §§ 21002, 21081(a); CEQA Guidelines, §§ 15091(a)(1), 15370).

CEQA Guidelines section 15126.2 requires disclosure of long-term irreversible environmental effects, including habitat alteration and disturbance. Continuous lighting elevates this level when it alters habitat conditions over time, to a level of unsuitability. The proposed Project lighting, as stated in the DEIR, is a permanent, long-term nighttime light, it constitutes a

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

habitat disturbance when it is on continuously and disrupts avian habitat use. This impact must be disclosed and analyzed in the DEIR and is subject to mitigation, to avoid or minimize significant adverse effects on birds and other wildlife species.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Recommendation # 2: **Additional Lighting Analysis to Assess Wildlife-Specific Impacts.** The DEIR should include a robust and scientifically grounded nighttime lighting analysis that fully discloses, quantifies, and evaluates all potential direct, indirect, and cumulative impacts to sensitive avian and terrestrial wildlife species resulting from long-term exposure to increased nighttime illumination. This analysis should address factors such as light intensity, spectrum, duration, directionality, spillover, and skyglow; evaluate potential behavioral, physiological, and ecological disruptions; and incorporate best available science, site-specific data, and long-term monitoring requirements.

Mitigation Measure # 3: **Lighting Features Specifications**. Mitigation Measure MM BIO-4(1)(c) shall apply to all new lighting installations, including outfield lighting, so that illumination is minimized, tightly controlled, and designed to prevent unnecessary skyglow, light spillover, and broader ecological disruption.

Mitigation Measure # 4: **Post-Construction ALAN Monitoring.** A qualified biologist shall evaluate the relationship between nighttime lighting and observed bird-net interactions as part of post-construction monitoring. If monitoring indicates that Project lighting is contributing to bird attraction, disorientation, collision, or entanglement, lighting shall be modified pursuant to the monitoring and adaptive management plan. Such modifications may include shielding, re-aiming, dimming, reduction of unnecessary lighting, modification of lighting schedules, or temporary reduction of nonessential lighting during periods of elevated migratory activity or other documented high-risk conditions, provided public and aviation safety requirements are maintained.

Recommendation # 3: **Alternative Operations Specifications**. CDFW recommends the Project proponent explore alternatives to typical Topgolf operations to facilitate wildlife-sensitive lighting in the proposed outfield, such as use of photoluminescent or impact-activated LED golf balls at night.

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

COMMENT # 3: Impacts to California Least Terns

Issue: The DEIR does not clearly address the CDFW's regulatory requirements for California least tern (least tern), an endangered species under CESA and a State Fully Protected species, nor does it clearly demonstrate how the Project would avoid impacts to this species.

Specific impact:

1. Construction Activities: Per the BRTR, although least terns were not documented during the 2024 reconnaissance surveys, they have the potential to occur, specifically for foraging, in the water of the San Diego Bay survey area. The Project could have potential impacts to their nesting and foraging habitat. The closest least tern nesting colony to the Project site is 0.5-mile northeast. Therefore, there is a high potential for the species to forage directly in the survey area. The Project is proposing to repair and replace approximately 550 feet of shoreline with nature-based solutions or riprap that could result in direct temporary impacts to the foraging habitat for least terns.
2. Proposed Structures (Barrier Netting System): Because this facility is within the Pacific Flyaway, a migratory path for seabirds, and within the foraging area for the nesting least terns, there is the potential for entanglement and collision with the new structures that are proposed post construction and during operation.

Why impact would occur: During in-water Project construction, there will be a temporary loss of eelgrass habitat adjacent to the Project site, which is a known foraging area for least terns. Temporary impacts would render the habitat inaccessible, displacing individuals and eliminating this foraging area during this phase of the Project. Construction of the Project is proposed to take up to 28 months, resulting in the loss of foraging habitat for up to two breeding seasons. If the least terns cannot forage close to their nesting colonies, they must expend more energy to look further away, which ultimately puts more stress on the animals during the breeding season, which is already the most vulnerable time of the year. Reduced foraging opportunities during the breeding season can lead to nest failure.

As stated in Comment #1, the proposed barrier netting system would pose a collision and entanglement risk for least terns. Collision and entanglement may result in injury or mortality of this Fully Protected species. If a least tern collided or became entangled in the barrier netting system, this would constitute Take under CESA.

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Evidence impact would be significant: California least tern is designated as a Fully Protected species under the California Fish and Game Code, section 3511 and take of Fully Protected species is prohibited. Additionally, California least tern is listed as endangered under CESA. Under the California Endangered Species Act, take of a state-listed species is prohibited except as authorized by the California Department of Fish and Wildlife (F & G. Code, § 2080). Project activities and operation of the facility must be designed to avoid take of the species. The DEIR should clarify how Project activities will avoid potentially significant impacts to California least tern and revise the mitigation measures to address the species' Endangered and Fully Protected status.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # 5: **California Least Tern**. Take of California least tern shall be fully avoided (Fish & G. Code, § 3511) through construction and operation of the Project. Temporary impacts to least tern foraging habitat shall be replaced at a 2:1 ratio to compensate for temporal loss of valuable foraging habitat. The Post-Construction Monitoring and Adaptive Management Plan shall include: (a) performance criteria stipulating that there must be no impacts to least tern movement through the Project area; (b) focused least tern monitoring during the nesting season, with reports of all barrier netting-tern interactions provided to CDFW and USFWS; and (c) specification that any injury or mortality of least tern will require the project proponent to immediately contact CDFW and, under the guidance of a qualified biologist, immediately employ measures to avoid further impacts to least terns.

ADDITIONAL COMMENTS

1. **Avoidance of Nesting Birds and Raptors**. CDFW appreciates the inclusion of MM BIO-1(1) *Migratory Bird Treaty Act Compliance*, to address impacts to nesting birds and raptors protected under the Migratory Bird Treaty Act. CDFW would like it to be included that nesting birds are also protected under California Fish and Game Code Sections 3503, 3503.5, and 3513. MM BIO-1(1) requires pre-construction nesting surveys no earlier than 10 days prior to start of construction activities to confirm the presence or absence of nesting birds and/or raptors. However, nesting birds may initiate nests quickly during the breeding season, and surveys conducted several days prior to construction may not accurately reflect current nesting conditions. Therefore, CDFW recommends MM BIO-1(1)be revised to require pre-construction nesting surveys to occur within three 3 days prior to the start of activities to ensure active nests are not inadvertently disturbed. CDFW also recommends that MM BIO-1(1)clarify that if construction activities are delayed for more than three 3

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

days after completion of the nesting bird survey, additional surveys shall be conducted prior to the initiation of construction.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

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[4] 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[5].

The District 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 environmental document filing fees is necessary. Fees are payable upon filing of the Notice

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

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing 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 the San Diego Unified Port District in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the District has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Emily Gray[6], Environmental Scientist.

Sincerely,

DocuSigned by:
Melanie Burlaza
3D01B6DE84234FE...

for Glen M. Lubcke
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Glen M. Lubcke, Environmental Program Manager
Melanie Burlaza, Senior Environmental Scientist (Supervisor)
Emily Gray, Environmental Scientist
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Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

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Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Attachment A: Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure/Recommendation	Timing	Responsible Party
Recommendation #1 Barrier Netting System Impact Analysis. The DEIR should include a thorough impact analysis that clearly discloses and quantifies all possible and cumulative impacts to sensitive avian species, including California least terns, from the proposed barrier netting system. This analysis should at a minimum include site specific avian movement patterns, roosting, foraging, and migratory behaviors at different times of the year and how the installation of these structures would impact these patterns.	Prior to the adoption of the CEQA document	District
Mitigation Measure #1: Post-Construction Avian Monitoring Program. Prior to Project approval, the Project applicant shall prepare a post-construction Avian Collision and Entanglement Monitoring Plan in consultation with CDFW and the United States Fish and Wildlife Service (USFWS) for review and approval by the District. The Plan shall be prepared by a qualified biologist and shall establish standardized methods sufficient to evaluate the effectiveness of the barrier netting system and associated avoidance and minimization measures. Monitoring shall occur for an initial 3-year period following commencement of Project operations, which may be extended if performance standards of the adaptive management plan are not met. The monitoring plan shall include, at minimum: standardized searches for injured and dead birds and observations of bird-net interactions, including avoidance, collision, and entanglement; a biologically appropriate monitoring frequency, including increased monitoring during bird migration seasons and representative nighttime monitoring sufficient to characterize nocturnal bird-net interactions; and a standardized reporting system shared with the District, CDFW, and USFWS.	Prior to Project Approval	Project Proponent/District

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Mitigation Measure/Recommendation	Timing	Responsible Party
Mitigation Measure #2 <u>Avian Collision and Entanglement Performance Standards and Adaptive Management</u>. Prior to Project approval, the Project proponent, in consultation with CDFW and USFWS, shall establish objective and measurable performance standards for avian collision, injury, mortality, and entanglement with the barrier netting system. The performance standards shall identify thresholds that require implementation of corrective measures. Any collision, injury, mortality, or entanglement involving a state- or federally listed or Fully Protected species shall be reported to CDFW and USFWS within 24 hours of discovery. Adaptive management triggers shall include, at minimum, repeated collision or entanglement events associated with the same project feature or location and exceedance of the established collision or mortality performance standards. When a performance standard is exceeded, the Project Proponent shall implement appropriate corrective measures. Corrective measures may include, but are not limited to, modification of flight-diverter density, type, placement, or contrast; modification of net visibility, tension, or configuration; modification or replacement of perch deterrents; modification of lighting intensity, shielding, orientation, or operating schedule; and other measures demonstrated to reduce the identified impact. Following implementation of corrective measures, focused effectiveness monitoring shall be conducted to determine whether the applicable performance standard has been achieved or if additional measures are necessary. Monitoring shall extend beyond the initial three-year period where a performance standard is exceeded or corrective measures are	Prior to Project Approval	Project Proponent

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Mitigation Measure/Recommendation	Timing	Responsible Party
implemented and shall continue until effectiveness of the corrective measures has been demonstrated.		
Recommendation # 2: <u>Additional Lighting Analysis to Assess Wildlife-Specific Impacts.</u> The DEIR should include a robust and scientifically grounded nighttime lighting analysis that fully discloses, quantifies, and evaluates all potential direct, indirect, and cumulative impacts to sensitive avian and terrestrial wildlife species resulting from long-term exposure to increased nighttime illumination. This analysis should address factors such as light intensity, spectrum, duration, directionality, spillover, and skyglow; evaluate potential behavioral, physiological, and ecological disruptions; and incorporate best available science, site specific data, and long-term monitoring requirements.	Prior to adoption of the CEQA document	District
Mitigation Measure # 3: <u>Lighting Features Specifications.</u> Mitigation Measure MM BIO-4(1)(c) shall apply to all new lighting installations, including outfield lighting, so that illumination is minimized, tightly controlled, and designed to prevent unnecessary skyglow, light spillover, and broader ecological disruption.	Prior to Project Activities	Project Proponent
Mitigation Measure # 4: <u>Post-Construction ALAN Monitoring.</u> A qualified biologist shall evaluate the relationship between nighttime lighting and observed bird-net interactions as part of post-construction monitoring. If monitoring indicates that Project lighting is contributing to bird attraction, disorientation, collision, or entanglement, lighting shall be modified pursuant to the monitoring and adaptive management plan. Such modifications may include shielding, re-aiming, dimming, reduction of unnecessary lighting, modification of lighting schedules, or temporary reduction of nonessential lighting during periods of elevated migratory activity or other documented high-risk conditions, provided public and aviation safety requirements are maintained.	During Business Operation	Project Proponent/ Qualified Biologist
Recommendation # 3: <u>Alternative Operations Specifications.</u> CDFW recommends the Project proponent explore alternatives to typical Topgolf	Prior to the adoption of the	Project Proponent

Docusign Envelope ID: 02A025A0-1152-8B97-8242-43A860F76A93

Mitigation Measure/Recommendation	Timing	Responsible Party
operations to facilitate wildlife-sensitive lighting in the proposed outfield, such as use of photoluminescent or impact-activated LED golf balls at night.	CEQA document	
Mitigation Measure # 5: **California Least Tern.** Take of California least tern shall be fully avoided (Fish & G. Code, § 3511) through construction and operation of the Project. Temporary impacts to least tern foraging habitat shall be replaced at a 2:1 ratio to compensate for temporal loss of valuable foraging habitat. The Post-Construction Monitoring and Adaptive Management Plan shall include: (a) performance criteria stipulating that there must be no impacts to least tern movement through the Project area; (b) focused least tern monitoring during the nesting season, with reports of all barrier netting-tern interactions provided to CDFW and USFWS; and (c) specification that any injury or mortality of least tern will require the project proponent to immediately contact CDFW and, under the guidance of a qualified biologist, immediately employ measures to avoid further impacts to least terns.	Prior to start of Project activities	District