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June 30, 2025

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Subject: Updated Notice of Preparation of a Draft Environmental Impact Report for the San Diego-Los Angeles-San Diego-San Luis Obispo Rail Realignment Project, SCH #2024060038, San Diego County, CA

Dear Tim Pesce:

The California Department of Fish and Wildlife (CDFW) has reviewed the Updated Notice of Preparation (Updated NOP) of the Draft Environmental Impact Report (DEIR) from the San Diego Association of Governments (SANDAG) for the San Diego-Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Realignment (SDLRR) Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹. CDFW provided comments on the initial NOP for the Project in a letter dated July 19, 2024.

Thank you for the opportunity to provide supplementary 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review

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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efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

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, including 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, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plants pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project Proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of San Diego participates in the NCCP program through implementation of its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and Implementation Agreement (IA). The Project may impact the City of San Diego’s Multi-Habitat Planning Area (MHPA), which delineates core biological resource areas and corridors targeted for conservation under the SAP.

PROJECT DESCRIPTION SUMMARY

Proponent: SANDAG

Objective: The objective of the Project is to improve resiliency and reliability of rail service along the San Diego segment of the LOSSAN rail corridor. The Updated NOP identifies four Project alternative alignments (Figure 1), which will be analyzed in more detail in the DEIR. Three alternatives include a bored tunnel with a north and south portal. The fourth alternative does not include a bored tunnel or portals. All four alternatives include double tracking of the rail line.

Location: The Project is located along a 60-mile section of the 351-mile LOSSAN Rail Corridor between the future Special Events Platform to be constructed as part of the San Dieguito Double Track Project in the City of Del Mar and the Sorrento Valley Station in the City of San Diego. The current rail alignment runs through Los Peñasquitos Lagoon on an existing berm and along the coastal bluffs. The Project’s study area is generally bounded by the Pacific Ocean to the west and Interstate 5 (I-5) to the east.

History: Formal environmental review of the Project was initiated in June 2024 when SANDAG released an NOP (2024 NOP), which identified three proposed alternative alignments and a No Project alternative for consideration in the DEIR. The alternatives included relocation of the existing railroad tracks inland at various locations between the

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Sorrento Valley Station and the Solana Beach Station and replacement with a double-track alignment. In response to public feedback received during this initial scoping period, SANDAG initiated a Value Analysis (VA) Study between September and December 2024 to gather additional public input on the 2024 NOP proposed alternatives and identify other potential project alignments. The Updated NOP outlines four proposed alternative alignments informed by the VA Study and a No Project alternative.

Alternatives:

San Dieguito Bridge to I-5 Alternative Alignment: This alternative would transition south from the future San Dieguito Double Track Project bridge or Special Events Platform and curve to the east on a bridge located adjacent to the south side of San Dieguito Lagoon before entering a tunnel at the Racetrack View Drive North Portal. The alignment would continue under I-5 and exit at the Knoll Near I-5 South Portal and transition back to the existing rail line north of Sorrento Valley Station. This alternative differs from the 2024 NOP *Alternative A I-5 Alignment* which would have tunneled under San Dieguito Lagoon.

Under Crest Canyon Alternative Alignment: This alternative would descend south from the San Dieguito Double Track bridge and enter a tunnel at the Under Jimmy Durante Boulevard North Portal, then continue under Crest Canyon and exit at the Knoll Near I-5 South Portal, before transitioning back to the existing alignment. This alternative is similar to the 2024 NOP *Alternative B Crest Canyon Alignment* with some minor changes to the alignment to avoid existing homes and easements.

Under Camino Del Mar Alternative Alignment: This alternative would descend immediately south of the future San Dieguito Double Track Project bridge and enter a tunnel at the Under Jimmy Durante Boulevard North Portal. The tunnel would extend south mostly under Camino Del Mar before exiting at the Torrey Pines Road West South Portal. It would then bridge over Los Peñasquitos Lagoon and transition back to the existing alignment. Double tracking of the existing alignment through Los Peñasquitos Lagoon would require raising and widening the existing berm to address flooding and sea level rise projections. This alternative is similar to the 2024 NOP *Alternative C Camino del Mar Alignment* but has a slightly shorter tunnel and more closely follows the current alignment.

Del Mar Bluffs Double Track Reinforced Alternative Alignment: This alternative would follow the existing alignment and descend into a trench south of the Camino Del Mar roadway bridge before continuing south on a bridge and widened berm through Los Peñasquitos Lagoon before transitioning back to the existing alignment. This alternative would include construction of bluff stabilization elements, including new and expanded seawalls.

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Depending on the alternative, additional Project activities could include: removal of existing rail infrastructure; construction of bridge structures, U-structures, retaining walls, flood walls, twin-bored tunnels, cut-and-cover tunnels, tunnel portals, and associated portal infrastructure; installation of a tunnel system power supply, tunnel ventilation systems, and communication systems; modifications of drainage and roadways; relocation of utilities; expansion of sea walls; potential placement of beach-quality sand from excavation; and, removal of prior bluff stabilization improvements.

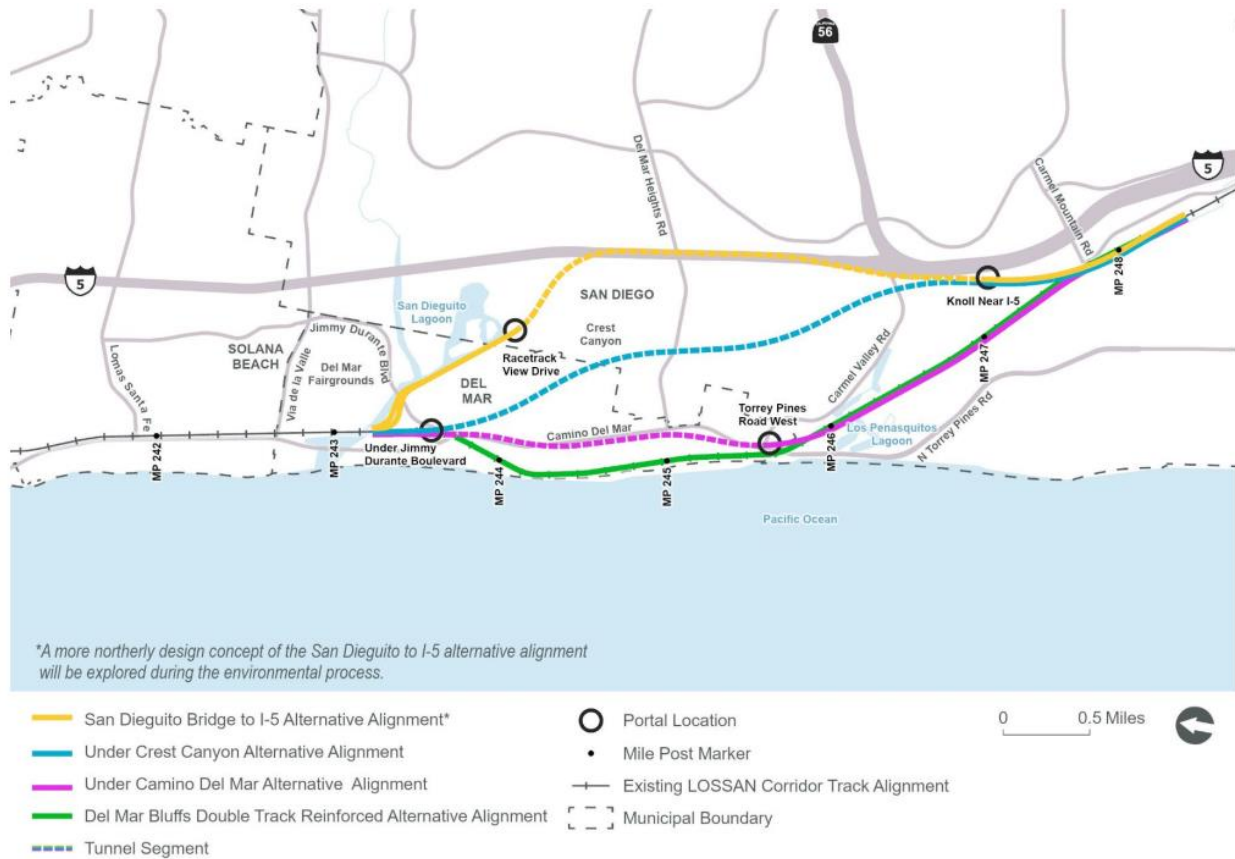


Figure 1. Map of proposed alternative alignments

Biological Setting: Potential impacts may occur to San Dieguito Lagoon and Los Peñasquitos Lagoon. Both lagoons provide important habitat for a variety of species. Encompassed within San Dieguito Lagoon is the 110-acre San Dieguito Lagoon Ecological Reserve (SDLER), a CDFW owned-and-managed property and designated State Marine Conservation Area. Habitats within the SDLER include riparian and coastal wetland communities, as well as California coastal sage scrub. Los Peñasquitos Lagoon is a 565-acre coastal estuary and is part of the Torrey Pines State Natural Reserve, which is owned and managed by California State Parks. The lagoon and adjacent uplands provide potential habitat for a multitude of sensitive plant, invertebrate, amphibian, reptile, bird, and mammal species (Attachment A). Several special status

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bird species known to occur within the lagoons or adjacent uplands include: Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-endangered), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*; State Species of Special Concern (SSC)), coastal California gnatcatcher (*Polioptila californica californica*; Federal Endangered Species Act (ESA) threatened, SSC), light-footed Ridgway's rail (*Rallus obsoletus brevipes*; federal and state endangered, State Fully Protected), California least tern (*Sternula antillarum browni*; ESA- and CESA-endangered; State Fully Protected), western snowy plover (*Charadrius nivosus nivosus*; ESA-threatened, SSC), and least Bell's vireo (*Vireo bellii pusillus*; ESA- and CESA-endangered). There may also be suitable upland habitat on the Project site for Crotch's bumble bee (*Bombus crotchii*; candidate CESA listing).

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist SANDAG in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts to fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts to biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

Specific Comments

- 1) Alternatives Analysis. The *Under Camino Del Mar* and *Del Mar Bluffs Double Track Reinforced* alternatives would both result in significant environmental impacts from construction of a double track alignment through Los Peñasquitos Lagoon. Given that the existing single-track bridge already alters the hydrology and negatively affects the biological function of Los Peñasquitos Lagoon, CDFW strongly recommends against these two alternatives. CDFW does not support the *San Dieguito Bridge to I-5 Alternative Alignment* which, as depicted in the Updated NOP, could result in potentially significant impacts to the SDLER. CDFW considers the *Under Crest Canyon Alternative Alignment* to have the greatest potential to minimize the environmental impacts from the proposed Project.

The DEIR should include a thorough analysis of environmental impacts resulting from all four alignment alternatives, both during construction and during operation and maintenance, including but not limited to:

- a) habitat impacts;
- b) special-status species impacts;
- c) construction noise and vibration impacts;
- d) operational noise and vibration impacts;
- e) hydrological impacts;
- f) water quality impacts; and,
- g) groundwater impacts.

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- 2) CDFW Ecological Reserve Impacts. As described in the NOP, the *San Dieguito Bridge to I-5 Alternative Alignment* would involve construction of a bridge up to 50-foot tall along the southern boundary of the SDLER. CDFW is concerned with potential impacts to biological resources and existing recreational opportunities from the construction and operation of an elevated bridge structure directly adjacent to the reserve. SDLER is the site of significant tidal wetland restoration efforts and provides specialized habitat for many listed species. The reserve supports several nesting sites for the California least tern that nests on unvegetated substrates and forages in shallow open water areas and mudflats. California least terns make their nests in exposed areas on the ground, leaving their eggs extremely vulnerable to predators such as raptors. The reserve also provides many valued recreational opportunities for the public. The existing Grand Avenue Bridge along the south side of the lagoon is a popular viewing platform for local birders and is adjacent to a frequently utilized designated fishing area.

The DEIR should include a thorough analysis of the following elements, at a minimum, as they pertain to the *San Dieguito Bridge to I-5 Alternative Alignment*:

- a) permanent and temporary (including direct and indirect) biological impacts to San Dieguito Lagoon from construction and operation of the Project, including impacts to California least tern nesting sites as a result of new and expansive perching opportunities on the proposed bridge structure for raptors such as Peregrine falcons and red-tailed hawks;
- b) impacts to access and use of existing recreational opportunities such as the Grand Avenue Bridge and designated fishing areas, as well as future projects such as the trail extension from Grand Avenue Bridge to the Crest Canyon Trail within the City of Del Mar;
- c) hydrological alterations to San Dieguito Lagoon;
- d) shading impacts to marsh vegetation adjacent to the bridge structure;
- e) impacts to species from construction noise and vibration;
- f) impacts to species from operational noise and vibration; and
- g) if direct impacts to CDFW-owned lands may occur, identification of the appropriate legal mechanism through which any rights-of-way and/or easements would be acquired.

Given that the *San Dieguito Bridge to I-5 Alternative Alignment* will potentially affect CDFW lands, we would welcome the opportunity to meet with SANDAG ahead of the DEIR preparation to discuss the biological resources impacts associated with the Project, including site-specific impacts, mitigation measures, and right-of-entry challenges.

- 3) City of San Diego MSCP Preserve Impacts. All four alternative alignments have the potential to directly or indirectly impact conserved MHPA within the Torrey Pines State Natural Reserve, San Dieguito Lagoon Ecological Reserve, or Crest Canyon

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Preserve. These conserved lands provide sensitive habitat for several Covered Species under the City of San Diego's SAP, including light-footed Ridgway's rail, Belding's savannah sparrow, coastal California gnatcatcher, western snowy plover, California least tern, Nuttall's lotus (*Acmispon prostratus* [formerly *Lotus nuttallianus*]), and salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum* [formerly *Cordylanthus maritimus* ssp. *maritimus*]). Furthermore, the SAP identifies the Los Peñasquitos Lagoon as a core biological resource area and describes it as one of the few intact natural open spaces in coastal San Diego County that is still linked to larger expanses of habitat to the east. Several wildlife corridors have been identified within or connected to the Lagoon, some of which are no longer viable due to expanded urban development, channels occluded with vegetation, and bridge spans obstructed by sediment. However, surveys have detected a functional wildlife corridor through the natural riparian channel that connects Los Peñasquitos Canyon to the Lagoon through Sorrento Valley (Crooks 1997).

CDFW recommends that the DEIR analyze the Project's consistency with the conservation goals of the SAP, in addition to any potential impacts to MSCP conserved lands (including impacts to MHPA and any identified wildlife linkages/corridors) and Covered Species. If unavoidable impacts may occur, the DEIR should outline how those impacts will be offset consistent with the MSCP. This could include opportunities to expand or enhance habitat corridors, linkages and/or undercrossings for wildlife in and around the Lagoon.

- 4) Knoll Near I-5 Portal Location. The southern portal proposed for the *San Dieguito Bridge to I-5* and *Under Crest Canyon* alternative alignments is located at a knoll south of Carmel Valley Road, between I-5 and the segment of Sorrento Valley Road Trail that is open to bikes, pedestrians, and some authorized vehicles but closed to public vehicle traffic. The portal would exit from the knoll and extend into Los Peñasquitos Lagoon. Protocol-level surveys were conducted in 2023 for light-footed Ridgway's rail, coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher (AECOM 2023, Figure 4B; Attachment B). The survey identified at least two pairs of light-footed Ridgway's rail and several individuals in the brackish marsh habitat at the northeastern portion of Los Peñasquitos Lagoon, immediately south of the proposed Knoll Near I-5 Portal location. The two alternatives that would utilize this portal propose resurfacing the tunnel through the knoll and constructing new track through the brackish marsh habitat at the northeastern portion of Los Peñasquitos Lagoon to connect with existing track. The segment through Los Peñasquitos Lagoon would significantly impact known light-footed Ridgway's rail habitat and has the potential to result in take of this Fully Protected species.

Fully protected species, such as light-footed Ridgway's rail, may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows (see Fish & G. Code, §§ 2835, 3511, 4700, 5050, & 5515):

- Take is for necessary scientific research,

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- Efforts to recover a fully protected, endangered, or threatened species,
- Live capture and relocation of a bird species for the protection of livestock, or Under certain circumstances if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan.

Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). SANDAG should consult with CDFW early in the project planning process. Regardless of whether this Project is eligible for take authorization of state Fully Protected species or not, we encourage SANDAG to avoid potential take of light-footed Ridgway's rail by identifying a southern portal location farther south, which would avoid impacts to Los Peñasquitos Lagoon and light-footed Ridgway's rail.

- 5) Los Peñasquitos Lagoon Impacts. Coastal lagoons and estuaries are complex systems and are subject to numerous natural and anthropogenic drivers and feedback loops that can affect wetland ecology. The existing single-track berm and bridge through Los Peñasquitos Lagoon, which runs diagonally from the northwestern corner of the lagoon to the center of the southern portion, already alters the hydrology and affects the biological function of the lagoon. The *Under Camino Del Mar* and *Del Mar Bluffs Double Track Reinforced* alternatives both have the potential to result in potentially significant environmental impacts by raising and widening some sections of the existing berm while removing other sections and replacing it with a double track bridge. The current lagoon inlet location is fixed under the existing lower bridge span and is vulnerable to obstruction by marine sediments. Lagoon outflows are also hampered by other structures within the lagoon, including the railway berm, which limits the ability of outflows to naturally open the inlet.

CDFW recommends the DEIR analyze potential impacts to the hydrological function of the lagoon and optimize the engineering and design of any proposed alterations (e.g., expansion or removal) to the existing single-track berm and bridges to reduce impacts to wildlife and promote tidal flow to the lagoon. CDFW also recommends continued coordination with the City of San Diego regarding the Los Peñasquitos Lagoon Enhancement Plan that outlines phased restoration activities within the lagoon. The *Under Camino Del Mar* and *Del Mar Bluffs Double Track Reinforced* alternative alignments would likely impact Phase 1 of the Los Peñasquitos Lagoon Enhancement Plan and all four alternatives plus the Knoll Near 1-5 Portal would potentially impact Phase 2. Changes to the existing rail structures (e.g., expanded berms and/or elevated causeways) could affect improvements that depend on enhanced hydrology like extending tidal circulation and floodplain enhancements. The DEIR should identify any conflicts between the Project and the City's planned restoration activities within Los Peñasquitos Lagoon and the proposed remedies for any conflicts.

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- 6) Tunnel Boring Machine (TBM) Failure Provisions. The DEIR should discuss contingency planning if a TBM needs to be salvaged and recovered in the event of a major malfunction during Project construction. There is a documented instance of TBM malfunction on a project in Seattle, requiring workers to remove the machine to perform repairs (Lindblom, 2014). An 80-foot-wide, 120-foot-deep access pit had to be excavated using heavy machinery, which delayed the Seattle project by two years. Given that three of the four proposed alternative alignments outlined in the Updated NOP involve use of TBMs to construct tunnels, the DEIR should detail a salvage and recovery strategy should the TBM malfunction. The discussion should include an analysis of potential new ground disturbance resulting from emergency salvage and recovery activities and the concomitant impacts to biological resources.

- 7) Crotch's bumble bee. The Project site supports multiple vegetation types that may provide nesting, foraging, or overwintering habitat for Crotch's bumble bee. If Crotch's bumble bee is present at the Project site, grading or clearing of vegetation related to Project activities may result in temporal or permanent loss of suitable habitat. In addition, ground-disturbing activities and vegetation removal during construction and tunneling activities may result in take of Crotch's bumble through direct mortality of adults, eggs, and larva, and indirect impacts to the species associated with burrow collapse, nest abandonment, and reduced nest success.
 - a. Protection Status. The California Fish and Game Commission accepted a petition to list Crotch's bumble bee as threatened or endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection of a threatened or endangered species under CESA. Take of any endangered, threatened, 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). In addition, Crotch's bumble bee has a State ranking of S1/S2, meaning Crotch's bumble bee is imperiled, critically imperiled and extremely rare. Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)² (CDFW 2017).

 - b. Surveys and Disclosure³. CDFW recommends that SANDAG retain a qualified biologist familiar with the species to perform a habitat assessment and focused surveys of the Project site for Crotch's bumble bee and include the results in the DEIR. Surveys for Crotch's bumble bee should be conducted according to the guidance provided in CDFW's [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bree Species \(June 6, 2023\)](#)⁴. We

² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

³ Note that lack of records in the CNDDDB for Crotch's bumble bee at the Project site does not mean that Crotch's bumble bee is absent. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review.

⁴ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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strongly recommend consultation with CDFW to ensure survey methodology will yield valid results. The DEIR should provide full disclosure of the presence of Crotch's bumble bee and any potential impacts to the species from the Project.

- c. Avoidance. The DEIR should include measures to first avoid impacts to Crotch's bumble bee. If Crotch's bumble bee is present, a qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, a minimum 50-foot avoidance buffer zone should be established around nests to reduce the risk of unauthorized take. If the Project cannot avoid impacts, CDFW recommends that the Project Proponent consult with CDFW to determine if a CESA Incidental Take Permit (ITP) is required.
 - d. CESA ITP. Appropriate take authorization from CDFW under CESA may include an ITP, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. It is important that any proposed take authorized by a CDFW ITP be described in detail in the Project's CEQA document. The Project's CEQA document should also specify a mitigation, monitoring, and reporting program of sufficient detail and resolution to satisfy the requirements for an ITP. However, please note that mitigation for the Project's impacts on CESA endangered, threatened, and/or candidate species in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.
- 8) Beach/Nearshore Sediment Placement Impacts. The Project proposes to place beach-quality sand excavated from tunnel boring activities onto beach(es) or nearshore in the vicinity of the study area. Beach or nearshore sediment placement could bury sensitive marine species and their rocky bottom habitats via direct sediment placement or subsequent littoral drift resulting in substantial adverse effects. Habitat Areas of Particular Concern (HAPC), a subset of Essential Fish Habitat, are habitats of special importance to fish populations due to their rarity, vulnerability to development and anthropogenic degradation, and/or ability to provide key ecological functions. Several types of HAPC may occur at the proposed sediment placement site(s), including rocky reefs, seagrass (e.g., surfgrass), eelgrass, and/or canopy kelp (e.g., giant kelp). These habitat areas have been designated as groundfish HAPC by the Pacific Fisheries Management Council under the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended in 2007).

Furthermore, San Diego waters support commercially and recreationally important fish and invertebrate species such as California grunion (*Leuresthes tenuis*),

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California halibut (*Paralichthys californicus*), Northern anchovy (*Engraulis mordax*), and California spiny lobster (*Panulirus interruptus*). Nearshore sediment placement activities could impact HAPC and the species that inhabit them via direct burial/smothering, increased turbidity, and/or decreased light availability. After the Project's proposed beach or nearshore sediment placement activity, indirect impacts from littoral drift include burial/smothering, increased turbidity, and/or decreased light availability to rocky reef, seagrass, eelgrass, and/or algal communities. The NOP does not address how the potential indirect effects would be monitored and/or mitigated for post-construction to avoid and minimize impacts to important species and HAPC.

California grunion (grunion) is an ecologically, recreationally, and culturally important species in southern California, and a critical prey species for numerous marine species. Grunion are vulnerable to disturbance from beach placement projects within the intertidal and nearshore areas during their reproductive cycle because they spawn and bury their eggs within the upper intertidal zone. Grunion has the potential to spawn within the Project's beach sediment placement footprint during the spawning season (March through August). Direct impacts could include crushing incubating eggs from driving heavy equipment within egg nests and burying incubating eggs from movement of sand, which may lead to inviable eggs or eggs unable to hatch out.

CDFW offers the following recommendations to address concerns regarding nearshore sediment placement:

- a. The DEIR should quantify the amount of rocky reef, seagrass, eelgrass, and/or canopy kelp that could be lost due to the Project from nearshore sediment placement. If impacts cannot be avoided, compensatory mitigation may be required. Additionally, CDFW recommends the DEIR includes monitoring of the nearshore sediment placement to ensure HAPC is not impacted. CDFW recommends consultation with CDFW and NOAA Fisheries on the Project's impact analysis and all proposed mitigation measures for HAPC.
- b. The DEIR should clarify the anticipated timing of sediment placement and if sediment being distributed across the beach profile will involve equipment operating below the mean high tide line. All beach placement operations should avoid equipment below the mean high tide line, unless sediment is placed in the swash zone due to high sand content. CDFW also recommends a long-shore and cross-shore sediment transport model be developed to identify appropriate sediment placement volumes and locations to avoid or minimize marine habitat impacts. Results from the sediment transport model should be included in the DEIR.
- c. The DEIR should specify that all beach sediment placement activities will occur outside of grunion spawning season (March through August). If beach sediment

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placement does occur during grunion spawning season and the proposed beach placement site is considered suitable for grunion spawning, CDFW recommends the preparation of a grunion monitoring plan to be included in the DEIR. If grunion spawning occurs within the Project area, work in that area below the mean high tide line should not be conducted until after grunion eggs have hatched (2 weeks). The locations of the spawning run should be marked physically and/or by Global Positioning System (GPS) locations. The density of the grunion throughout the area should be noted using the Walker Scale⁵. The Project should ensure maintenance workers avoid the spawning area and that a 50-foot buffer is used to avoid impacting any spawning areas adjacent to the sediment placement sites. Grunion monitoring should be conducted by a qualified biologist for 30 minutes prior to and two hours following the predicted start of each spawning event. If more than 100 fish are reported, then avoidance and minimization measures should be implemented, such as relocation, rescheduling of work or equipment, or specification of acceptable vehicle routes.

- 9) Seawall Impacts. The *Del Mar Bluffs Double Track Reinforced Alternative Alignment* includes the construction of approximately 1.5 miles of seawalls up to approximately 20 feet in height to expand and increase the size of existing stabilization infrastructure. The construction of new and expanded seawalls has the potential to cause erosion, disrupt natural transport processes like sediment movement, and impact coastal species that rely on beaches for nesting and foraging. Although seawalls are designed to protect resources or infrastructures behind them from the impacts of wave energy and associated erosion, seawalls may accelerate erosion at the toe of the seawall and subsequently on adjacent beaches and bluffs as wave energy is reflected off seawalls. Seawalls can increase the velocity of the water flow and alter the natural process of sediment movement and transport patterns, including longshore sand transport, which cause greater erosion issues downdrift. Additionally, seawalls may also cause the loss of biodiversity since accelerated erosion could remove habitat in the sandy beach habitat and intertidal zone. Birds, fish, and invertebrates who rely on the sandy beach and intertidal habitats may lose nursery and foraging grounds.

Seawalls can temporally protect infrastructure but ultimately results in accelerated erosion and the loss of the beach due to altered sediment movement and transport patterns. CDFW is concerned that the Updated NOP does not address potential impacts and/or changes to sediment circulation due to the placement of seawalls. The updated NOP also does not indicate the location or timing of the seawall construction activities, so it is CDFW's assumption that grunion may have the

⁵ The Walker Scale is a qualitative assessment of the abundance of spawning grunion on a beach. It is scored as follows: W0 is no spawning fish, W1 is less than 100 spawning fish at different times in one or several locations, W2 is 100 – 500 fish spawning at different times in one or several locations, W3 is hundreds of fish spawning in several locations or over a broad area, W4 is thousands of fish together for less than an hour, and W5 is fish covering the beach lasting for over an hour.

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potential to spawn within the Project's seawall construction footprint during the spawning season.

CDFW offers the following recommendations to address marine concerns regarding seawalls:

- a. Considering the potential placement of new and expanded seawalls, CDFW recommends the DEIR include an assessment of Project impacts that may cause beach removal/erosion, including wave reflection and sediment suspension, seabed scour dynamics, and sediment circulation or transport rates. Any potential changes to erosion rates, or changes to the natural slope and sand composition of the beach ecosystems as it relates to marine life and habitat, should be analyzed. Additionally, the DEIR should include pre- and post-construction surveys and monitoring to fully assess potential and actual marine habitat losses and degradation. Results of these surveys should be submitted to CDFW Marine Region.
 - b. If construction activities for the seawall must occur on the beach, the DEIR should specify that activities be conducted above the highest high-water mark to minimize impacts to marine and intertidal species from heavy equipment and beach driving. Any beach construction of the seawall should occur outside of spawning and/or nesting seasons. If any beach construction for the seawalls must occur below the mean high tide line, the DEIR should specify the work be conducted outside of grunion spawning season. If construction during grunion spawning season cannot be avoided and the proposed construction site is considered suitable for grunion spawning, a grunion monitoring plan and avoidance measures (as outlined in Comment 9(c) above) should be included in the DEIR.
- 10) Lake and Streambed Alteration. As described, the Project may have biological impacts to Los Peñasquitos Lagoon and San Dieguito Lagoon. Both lagoons are ecologically sensitive resources and host an array of listed and non-listed species. The DEIR should include an analysis of the Project's direct, indirect, and cumulative impacts to hydrologic features, including a discussion of impacts as they pertain to Fish and Game Code section 1600 *et seq.* CDFW recommends that SANDAG coordinate with CDFW to assess whether notification is appropriate. 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 Proponent 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

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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. A Notification package for a LSAA may be obtained by accessing CDFW's [Lake and Streambed Alteration Program website](#)⁶.

- 11) Wetlands and Associated Natural Communities. According to the U.S. Fish and Wildlife Service's (USFWS) [National Wetlands Mapper](#)⁷, there are two wetland features on the Project site (USFWS 2022) that may be impacted by Project activities. Impacts would occur from construction of a double track berm and bridge through Los Peñasquitos Lagoon as described in the *Under Camino Del Mar and Del Mar Bluffs Double Track Reinforced* alternative alignments, as well as construction of the Knoll Near 1-5 Portal. It is unclear whether the *San Dieguito Bridge to I-5* alternative alignment would impact wetlands associated with the San Dieguito Lagoon. Natural communities adjacent to the wetlands could be removed or degraded through habitat modification (e.g., loss of water source, encroachment by the Project, edge effects leading to introduction of non-native plants).
- a. Wetland Delineation and Impact Assessment. The DEIR should provide a wetland delineation, which should also identify streams, culverts, ditches, and storm channels that may transport water, sediment, pollutants, and discharge into any rivers, streams, and lakes⁸. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. In addition, the DEIR should disclose the total impacts (linear feet and/or acreage) including impacts resulting from fuel modification on any river, stream, or lake and associated natural communities.
- b. Avoidance and Setbacks. CDFW recommends the Project avoid impacts to streams, wetlands, and associated natural communities by avoiding or minimizing Project-related development adjacent to streams and wetlands. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. CDFW recommends SANDAG design the Project so that wetland impacts are avoided and/or minimized. The DEIR should discuss how the Project has been designed to avoid and/or minimize impacts so CDFW may assess potential impacts to biological resources.
- c. Mitigation. If avoidance is not feasible, SANDAG should fully compensate for

⁶ <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

⁷ <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

⁸ "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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impacts to wetlands, streams, and loss of associated natural communities. Higher mitigation should be provided to compensate for impacts to resources supporting rare, sensitive, or special status fish, wildlife, and natural communities.

General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which the 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 the affected plant and wildlife species (e.g., current range, distribution, population trends, and connectivity).
- 2) 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. A complete discussion of the purpose and need for, and description of the proposed Project;
 - b. CDFW recommends SANDAG select Project designs and alternatives that would avoid and minimize direct and indirect impacts to biological resources. CDFW also recommends SANDAG 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 a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.
 - c. 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 should include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6). Additionally, the criteria used to select a preferred alternative amongst all feasible alternatives should be transparent as to how biological resources were considered in decision making and route selection.
 - d. Where the Project may impact aquatic and riparian resources, CDFW recommends SANDAG 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

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

- 3) **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 and cumulative effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
- a. 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](#)⁹ webpage.
 - b. 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](#)¹⁰. 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 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.

⁹ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

¹⁰ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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- c. 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](#)¹¹, 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.
- d. 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](#)¹² (CNDDDB). The CNDDDB 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 CNDDDB 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.
- e. 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 day when the species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#)¹³ for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.
- f. A recent wildlife and botanical field survey. A lack of records in the CNDDDB 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

¹¹ <https://vegetation.cnps.org/>

¹² <https://wildlife.ca.gov/Data/CNDDDB>

¹³ <https://wildlife.ca.gov/conservation/survey-protocols>

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taxa, particularly if Project construction could occur over many years or in phases.

- 4) Direct and Indirect Impacts to 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 include the following:
 - a. 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 to 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 such as the City of San Diego's MHPA (Fish & G. Code, § 2800 et. seq.)).
 - b. A discussion of both the short-term and long-term effects of the Project on species population size and distribution, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
 - c. Impacts to, 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.
 - d. 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 to habitat supported by groundwater. Measures to mitigate such impacts should be included.
 - e. 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.
- 5) Cumulative Impact. Cumulative impacts to 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 to 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)). SANDAG's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if SANDAG concludes that the Project would not result in cumulative impacts to biological resources, SANDAG, "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)).

- 6) Nesting Birds. To avoid impacts to nesting birds, CDFW recommends clearing of vegetation 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 avian breeding season, a qualified biologist should conduct weekly bird surveys for nesting birds three days prior to any construction to ensure no nesting birds would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest, so nesting activities are not interrupted. For the given Project site, CDFW recommends a 100-foot buffer from common avian species, 300 feet for listed or sensitive avian species, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect during construction. 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.

- 7) 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.
- 8) 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. 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, off-site mitigation through habitat creation and/or acquisition should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and non-wasting endowment to a qualified entity for long-term management and monitoring.
- 9) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DEIR should include measures to protect these lands in perpetuity. The mitigation should offset all biological resources impacts associated with the Project. Issues that should be addressed in a long-term management plan include (but are not limited to) restrictions on public access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be established to provide for long-term management of mitigation lands.
- 10) CESA. 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 the 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 ITP or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subs. (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 use SANDAG's CEQA document for the issuance of an ITP, the DEIR should address all Project impacts to CESA-listed species and

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specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

- 11) Translocation of Plants and Animal Species. Translocation or relocation is the process of removing plants and wildlife from one location and permanently moving them to a new location. CDFW generally does not support the use of translocation or relocation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are often ineffective without long-term monitoring to assess the fate of the efforts. 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.
- 12) Scientific Collecting Permit and Voucher Collecting Permit. A Scientific Collecting Permit is necessary 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 relocate 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 to 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 Permits webpage](#)¹⁴.

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](#)¹⁵.

- 13) Use of Native Plants and Trees. CDFW recommends SANDAG utilize a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts to 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

¹⁴ <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

¹⁵ <https://wildlife.ca.gov/Conservation/Plants/Permits>

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landscaping and restoration, particularly any species listed as 'Moderate', 'High', 'Limited', and 'Watch' by the [California Invasive Plant Council](#)¹⁶. 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 species of trees, such as oaks (*Quercus* spp.), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and 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, including a variety of native annual and perennial species with overlapping bloom periods from February through November.

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 (CNDDDB). The [CNDDDB website](#)¹⁷ provides directions 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](#)¹⁸.

SANDAG 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 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 Updated NOP to assist SANDAG in identifying and mitigating Project impacts on biological resources. Questions

¹⁶ <https://www.cal-ipc.org/plants/inventory/>

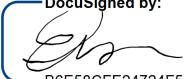
¹⁷ <https://wildlife.ca.gov/Data/CNDDDB>

¹⁸ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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regarding this letter or further coordination should be directed to Heather Schmalbach¹⁹, Senior Environmental Scientist.

Sincerely,

DocuSigned by:

B6E58CFE24724F5...

Erinn Wilson-Olgin
Regional Manager
South Coast Region

ATTACHMENTS

Attachment A: Sensitive species with potential to occur on the Project site
Attachment B: 2023 Light-footed Ridgway's Rail Survey Results (AECOM)

ec: California Department of Fish and Wildlife
Erinn Wilson-Olgin, Regional Manager
Glen M. Lubcke, Environmental Program Manager
Melanie Burlaza, Senior Environmental Scientist (Supervisory)
Jennifer Turner, Senior Environmental Scientist (Supervisory)
Eric Wilkins, Marine Region, Senior Environmental Scientist (Supervisory)
Leslie Hart, Marine Region, Environmental Scientist
Jason Price, Senior Environmental Scientist (Supervisory)
Gabriel Penaflor, Reserve Manager

U.S. Fish and Wildlife Service
Jonathan Snyder, jonathan_d_snyder@fws.gov
Lauren Kershek, lauren_kershek@fws.gov

Office of Planning and Research
State Clearinghouse - state.clearinghouse@opr.ca.gov

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[CDFWa] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.

¹⁹ Phone: 858-775-7399; Email: heather.schmalbach@wildlife.ca.gov

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Attachment A: Sensitive species with potential to occur on the Project site²⁰

Invertebrates:

- American bumble bee (*Bombus pensylvanicus*; SR-S2)
- Crotch's bumble bee (*Bombus crotchii*; candidate CESA listing)
- Monarch butterfly (*Danaus plexippus plexippus*; proposed ESA-threatened, SR-S2)
- Sandy beach tiger beetle (*Cicindela hirticollis gravida*; SR-S2)
- Senile tiger beetle (*Cicindela senilis frosti*; SR-S1)
- Wandering (saltmarsh) skipper (*Panoquina errans*; SR-S2)
- Western beach tiger beetle (*Cicindela latesignata*; SR-S1)

Amphibians:

- Western spadefoot (*Spea hammondi*; proposed ESA-threatened, SSC)

Reptiles:

- California glossy snake (*Arizona elegans occidentalis*; SSC)
- Coast horned lizard (*Phrynosoma blainvillii*; SSC)
- Coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC)
- Coronado skink (*Plestiodon skiltonianus interparietalis*; WL)
- Northern red diamond rattlesnake (*Crotalus ruber ruber*; SSC)
- Orange-throated whiptail (*Aspidoscelis hyperythra*; WL)
- San Diego ringneck snake (*Diadophis punctatus similis*)
- Southern California legless lizard (*Anniella stebbinsi*; SSC)
- Two-striped garter snake (*Thamnophis hammondi*; SSC)

Birds:

- Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-endangered)
- Black skimmer (*Rynchops niger*; BCC, SSC)
- California least tern (*Sternula antillarum browni*; ESA- and CESA-endangered; FP)
- Clark's marsh wren (*Cistothorus palustris clarkae*; SSC)

²⁰ Nomenclature and species status follows the CNDDDB Special Animals List (CDFW, April 2025) and Special Vascular Plants, Bryophytes, and Lichens List (CDFW, April 2025). ESA = Federal Endangered Species Act, BCC = Federal Bird of Conservation Concern, CESA = California Endangered Species Act, SSC = state Species of Special Concern, FP = state Fully Protected, WL = CDFW Watch List, SR = NatureServe State Ranking [S1: Critically Imperiled; S2: Imperiled], CRPR = California Rare Plant Rank.

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- Coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*; SSC)
- Coastal California gnatcatcher (*Polioptila californica californica*; ESA-threatened, SSC)
- Cooper's hawk (*Accipiter cooperi*; WL)
- Elegant tern (*Thalasseus elegans*; BCC, WL)
- Least Bell's vireo (*Vireo bellii pusillus*; ESA- and CESA-endangered)
- Light-footed Ridgway's rail (*Rallus obsoletus brevipes*; ESA- and CESA-endangered, FP)
- Northern harrier (*Circus hudsonius*; BCC, SSC)
- Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; WL)
- Western snowy plover (*Charadrius nivosus nivosus*; ESA-threatened, SSC)
- White-faced ibis (*Plegadis chihi*; WL)
- White-tailed kite (*Elanus leucurus*; FP)
- Yellow warbler (*Setophaga petechia*; SSC)
- Yellow-breasted chat (*Icteria virens*; SSC)

Mammals:

- Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*)
- Pacific pocket mouse (*Perognathus longimembris pacificus*; SSC)
- Pocketed free-tailed bat (*Nyctinomops femorosaccus*; SSC)
- San Diego desert woodrat (*Neotoma lepida intermedia*; SSC)
- Southern mule deer (*Odocoileus hemionus fuliginata*)

Plants:

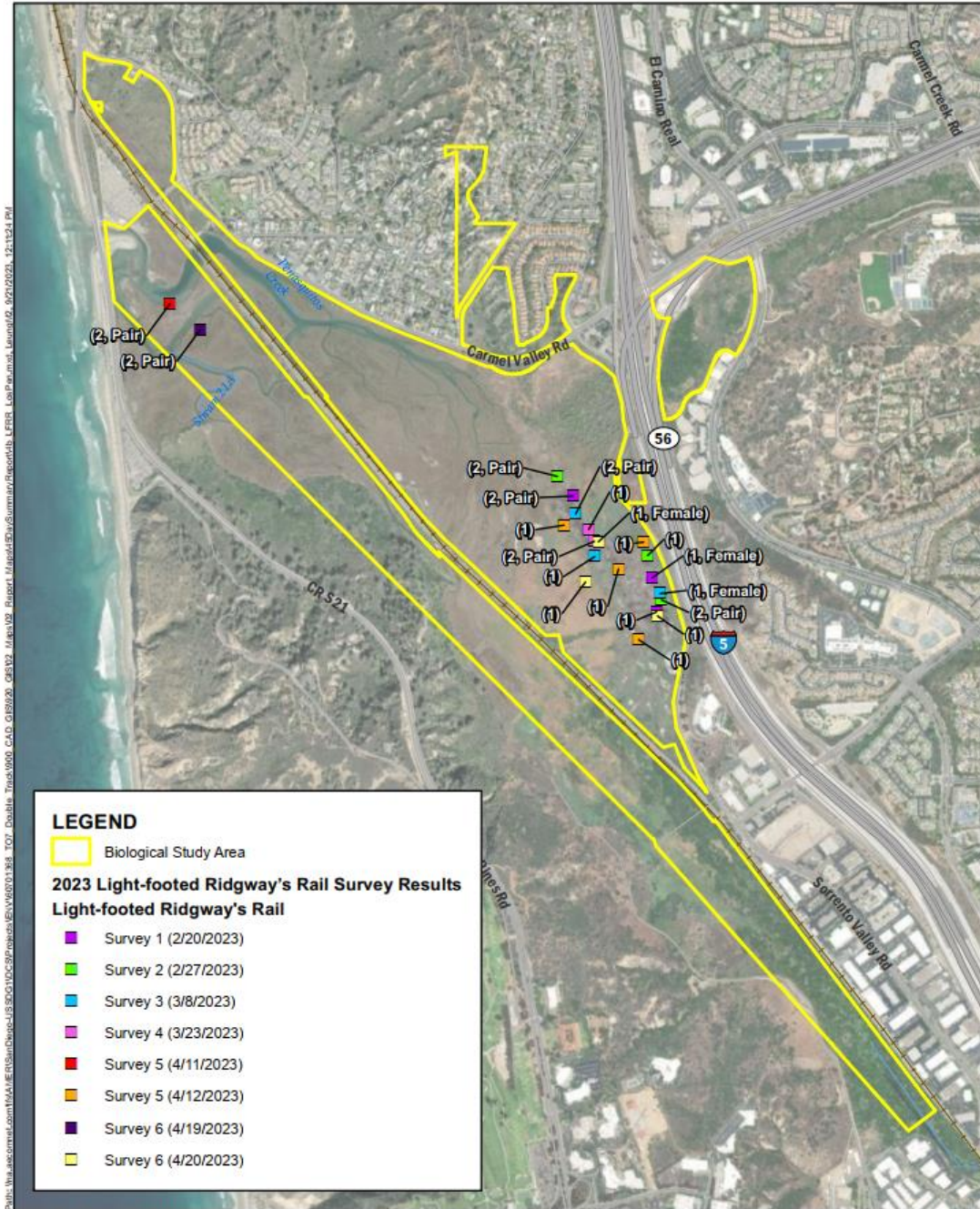
- *Acmispon prostratus* [= *Lotus nuttallianus*] (Nuttall's acmispon; CRPR 1B.1)
- *Aphanisma blitoides* (aphanisma; CRPR 1B.2)
- *Arctostaphylos glandulosa* ssp. *crassifolia* (Del Mar manzanita; ESA-listed endangered, CRPR 1B.1)
- *Astragalus tener* var. *titi* (coastal dunes milk-vetch; ESA- and CESA-endangered, CRPR 1B.1)
- *Atriplex pacifica* (south coast saltscale; CRPR 1B.2)
- *Bacharris vanessae* (Encinitas baccharis; ESA-threatened, CESA-endangered, CRPR 1B.1)
- *Berberis nevinii* (Nevin's barberry; ESA-endangered, CESA-endangered, CRPR 1B.1)
- *Ceanothus verrucosus* (wart-stemmed ceanothus; CRPR 2B.2)
- *Ceanothus cyaneus* (Lakeside ceanothus; CRPR 1B.2)

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- *Centromadia parryi* ssp. *australis* (southern tarplant; CRPR 1B.1)
- *Chaenactis glabriuscula* var. *orcuttiana* (Orcutt's pincushion; CRPR 1B.1)
- *Chloropyron maritimum* ssp. *maritimum* [= *Cordylanthus maritimus* ssp. *maritimus*] (salt marsh bird's-beak; ESA- and CESA-endangered, CRPR 1B.2)
- *Chorizanthe orcuttiana* (Orcutt's spineflower; ESA- and CESA-endangered, CRPR 1B.1)
- *Comarostaphylis diversifolia* ssp. *diversifolia* (summer holly; CRPR 1B.2)
- *Corethrogyne filaginifolia* var. *linifolia* (Del Mar Mesa sand aster; CRPR 1B.1)
- *Dudleya brevifolia* (short-leaved dudleya; CESA-endangered, CRPR 1B.1)
- *Dudleya viscida* (sticky dudleya; CRPR 1B.2)
- *Erysimum ammophilum* (sand-loving wallflower; CRPR 1B.2)
- *Euphorbia misera* (cliff spurge; CRPR 2B.2)
- *Ferocactus viridescens* (coast barrel cactus; CRPR 2B.1)
- *Heterotheca sessiflora* ssp. *sessiflora* (beach goldenaster; CRPR 1B.1)
- *Isocoma menziesii* var. *decumbens* (decumbent goldenbush; CRPR 1B.2)
- *Iva hayesiana* (San Diego marsh-elder; CRPR 2B.2)
- *Juglans californica* (southern California black walnut; CRPR 4.2)
- *Juncus acutus* ssp. *leopoldii* (southwestern spiny rush; CRPR 4.2)
- *Lasthenia glabrata* ssp. *coulteri* (Coulter's goldfields; CRPR 1B.1)
- *Leptosyne maritima* [= *Coreopsis maritima*] (sea dahlia; CRPR 2B.2)
- *Nemacaulis denudata* var. *denudate* (coast woolly-heads; CRPR 1B.2)
- *Phacelia stellaris* (Brand's star phacelia; CRPR 1B.1)
- *Pinus torreyana* ssp. *torreyana* (Torrey pine; CRPR 1B.2)
- *Quercus dumosa* (Nuttall's scrub oak; CRPR 1B.1)
- *Senecio aphanactis* (chaparral ragwort; CRPR 1B.2)
- *Suaeda esteroa* (estuary seablite; CRPR 1B.2)

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Attachment B: 2023 Light-footed Ridgway's Rail Survey Results (AECOM)



Path: \\na.aecomf.com\1641\MER\SandDev\US\SD\1\OC\9\Release\ENV\601188_1\CO7_Double_Track\9000_CAD_GIS\920_08102_Report_Maps\4\By\Summary\Records\LFRR_LoP_e.mxd, LayerID: 9212023_121124.FM
 Source: SanGIS, SANDAG, Esri

FIGURE 4B
2023 LIGHT-FOOTED RIDGWAY'S RAIL SURVEY RESULTS
(LOS PEÑASQUITOS LAGOON)

SUMMARY REPORT FOR THE SAN DIEGUITO
 TO SORRENTO VALLEY DOUBLE TRACK PROJECT
 DATE: 9/21/2023

