



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 6, 2025

Luke Serna
California Department of Parks and Recreation
2797 Truxton Rd
San Diego, CA 92106
enviro@parks.ca.gov

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BORDER FIELD STATE PARK RESILIENCE, ACCESS AND HABITAT RESTORATION PROJECT, SCH NO. 2025040060, SAN DIEGO COUNTY, CA

Dear Luke Serna:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) from California Department of Parks and Recreation (CDPR) for the Border Field State Park Resilience, Access and Habitat Restoration Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

CDFW ROLE

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

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

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 2 of 16

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Parks and Recreation (CDPR)

Objective: The objective of the Project is to improve and relocate portions of Monument Road to address seasonal flooding of the existing roadway, provide improved public access to Border Field State Park (BFSP), establish resilience against future effects of sea level rise (SLR) and improve the function of the Tijuana Estuary. Additionally, the Project would include restoring native habitat and removing an existing 2,300-foot road segment susceptible to seasonal flooding. Primary Project activities include north-south realignment of the existing dirt road, creation of an east-west roadway elevation which includes the installation of seven box culverts and headwalls, improvements to the existing equestrian staging area, and habitat restoration of upland and wetlands areas within the BFSP.

Location: The Project is located in the BFSP at 1500 Monument Road in the Cities of San Diego and Imperial Beach, immediately north of the United States-Mexico International Border. The Park is part of the Tijuana River Natural Estuarine Research Reserve (TRNERR).

Timeframe: Construction is anticipated to begin in Spring 2026 and occur over a period of approximately 12 months.

Biological Setting: The Project is located within the BFSP which is part of the Tijuana River Natural River Estuarine Research Reserve. This area is mostly undeveloped, with minimal roads and trails for passive recreation such as hiking, horseback riding, and bird watching. Habitats within and adjacent to the Project footprint include coastal sage scrub, maritime succulent scrub, southern coastal salt marsh, grassland, riparian scrub and agricultural land. The Project site supports several special-status species including but not limited to, Crotch's bumble bee (*Bombus crotchii*; California Endangered Species Act (CESA) candidate species), least Bell's vireo (*Vireo bellii pusillus*; CESA listed endangered, Federal Endangered Species Act (ESA) listed endangered), coastal California gnatcatcher (*Polioptila californica californica*; ESA listed threatened, California

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

Luke Serna
 California Department of Parks and Recreation
 May 6, 2025
 Page 3 of 16

Species of Special Concern (SSC)), northern harrier (*Circus hudsonicus*; California SSC), southern California legless lizard (*Anniella stebbinsi*; California SSC), Busck's gallmoth (*Eugnosta busckana*), coast woolly-heads (*Nemacaulis denudate* var. *denudate*; California Rare Plant Rank (CRPR) 1B.2), snake cholla (*Cylindropuntia californica* var. *californica*; CRPR 1B.1), beach goldenstar (*Heterotheca sessiliflora* ssp. *sessiliflora*; CRPR 1B.1), Nuttall's acmispon (*Acmispon prostratus*; CRPR 1B.1), sea dahlia (*Leptosyne maritima*; CRPR 2B.2), San Diego barrel cactus (*Ferocactus viridescens*; CRPR 2B.1), Golden-spined cereus (*Bergerocactus emoryi*; CRPR 2B.2), decumbent goldenbush (*Isocoma menziesii* var. *decumbens*; CRPR 1B.2) and Coulter's saltbush (*Atriplex coulteri*; CRPR 1B.2).

A portion of the Project is also within the City of San Diego's Multi-Habitat Planning Area (MHPA). The MHPA delineates core biological resource areas and corridors targeted for conservation in the Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

COMMENTS AND RECOMMENDATIONS

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

Specific Comments

- 1) Restoration Management Permit. CDFW met with CDPR on April 1, 2025, for informal consultation regarding a potential Restoration Management Permit (RMP), pursuant to the Restoration Management Permit Act (Assembly Bill (AB) 1581³), incorporated as Chapter 6.7 in the California Fish and Game Code. The purpose of an RMP is to streamline CDFW permitting processes for beneficial restoration projects in California. Potential streamlined authorizations include permitting take of CESA-listed species, take of Fully Protected species, take of plant species which are designated as "rare" pursuant to the Native Plant Protection Act, take of other non-special-status species, and authorization of impacts which would otherwise be subject to a Lake and Streambed Alteration Agreement. Under the RMP Act, a "qualifying restoration project" must have the primary purpose of restoring native species or habitat and result in a substantial net benefit to native species or habitat. Projects must have a substantial net benefit, above and beyond restoring baseline conditions.

CDFW's understanding of the Project at the time of the meeting was that restoration activities met baseline conditions to satisfy the mitigation requirements of the Project but had not yet demonstrated substantial net benefit that would meet the requirements of the definitions within the RMP Act. We encourage CDPR to incorporate additional habitat "uplift" to meet the RMP threshold, should CDPR wish

³ [Bill Text: CA AB1581 | 2023-2024 | Regular Session | Chaptered | LegiScan](#)

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 4 of 16

to pursue a Restoration Management Permit, and are available for additional scoping if desired.

- 2) Crotch's Bumble Bee. The Project site contains habitat which may support nesting or foraging Crotch's bumble bee (*Bombus crotchii*; candidate CESA listing). Crotch's bumble bee often nests underground, sometimes occupying abandoned rodent burrows along with many other microhabitats (Hatfield et al., 2015). Crotch's bumble bee may occur in the native habitat on or adjacent to the Project site. If Crotch's bumble bee are using burrows on the Project site for nesting, direct impacts could result from ground-disturbing activities, which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. Indirect impacts may occur from loss of foraging resources. CDFW recommends the following information be included in the DEIR:
 - a. Protection Status. The California Fish and Game Commission accepted a petition to list the 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 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. This means that Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Inverts of Conservation Priority List](#) (CDFW 2017).
 - b. Surveys and Disclosure. CDFW recommends that CDPR retain a qualified biologist familiar with the species to survey the Project site for Crotch's bumble bee and habitat. Surveys for Crotch's bumble bee should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). The DEIR should provide full disclosure of the presence of Crotch's bumble bee and the Project's potential impact on Crotch's bumble bee. CDFW has published a Survey Considerations document for CESA Candidate Bumble Bees, which can be found at the following link: <https://wildlife.ca.gov/Conservation/CESA>. This document describes factors such as evaluating potential for presence, habitat assessment, and survey methods.
 - c. Avoidance, Minimization, and Mitigation. The DEIR should include measures to first avoid impacts on 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, 50-foot no-disturbance buffer zones should be established around nests to reduce the risk of disturbance or take. If the Project cannot avoid impacts, the DEIR should include a measure stating CDPR shall consult with CDFW to determine if a CESA Incidental Take Permit (ITP) is

Luke Serna
 California Department of Parks and Recreation
 May 6, 2025
 Page 5 of 16

warranted. In addition, CDPR may be required to provide compensatory mitigation for removal or damage to any floral resource associated with Crotch's bumble bee. Floral resources should be replaced as close to their original location as is feasible.

- 3) Least Bell's Vireo. The Project site contains suitable habitat for least Bell's vireo (LBV) as well as several documented occurrences from the California Natural Diversity Database (CNDDDB). Project activities could create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individual LBV to abandon their nests, resulting in the loss of fertile eggs or nestlings. Due to the strong likelihood that LBV are on or near the Project site, CDFW recommends protocol level surveys to determine presence or absence of the species. The DEIR should provide full disclosure of the presence of LBV and the Project's potential impact on LBV. Mitigation for direct, indirect, and cumulative impacts to the species should be determined after the completion of these surveys and included in the DEIR. If direct impacts to LBV are unavoidable, the DEIR should include a measure stating CDPR will seek a CESA ITP, as described below.
- 4) CESA. According to CNDDDB, the Project site supports CESA-listed species, including least Bell's vireo and CESA-candidate species Crotch's bumble bee. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit.

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

- 5) Equestrian Facilities and Brown-headed Cowbirds. The Project proposes to make improvements to the existing equestrian staging area which includes the reconstruction of a parking lot, equestrian parking stalls, and horse corrals. The presence of horse stalls as part of the proposed Project has the potential to attract brown-headed cowbirds (*Molothrus ater*), a species known to exploit anthropogenic food sources such as spilled grain, livestock feed and manure-associated insects (Goguen and Mathews 2001). Cowbirds are brood parasites that lay their eggs in the

Luke Serna
 California Department of Parks and Recreation
 May 6, 2025
 Page 6 of 16

nests of other songbirds, often resulting in reduced reproductive success or nest failure of the host species. This can have significant negative impacts on native avian populations, particularly those already considered sensitive or declining (Kus 1999), such as the least Bell's vireo which are present on the Project site. Although these equestrian facilities were already present onsite, the DEIR should still evaluate the likelihood of increased cowbird presence associated with the horse facilities and assess the potential of impacts on nearby native bird species, like least Bell's vireo. The DEIR should also discuss CDPR's effort to manage brown-headed cowbirds and if this management is going to continue or change after completion of the Project.

- 6) Consistency with Regional Plans. Compliance with approved habitat plans, such as the MSCP, is discussed in CEQA. Specifically, section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. A portion of the Project is within the MHPA of the City of San Diego's MSCP Subarea Plan. The DEIR must include a discussion of any inconsistencies with provisions of the MHPA.

General Comments

- 7) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 8) 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
- d. A complete discussion of the purpose and need for, and description of the proposed Project.
 - e. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends CDPR select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends CDPR considers 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 general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 7 of 16

and provide connections for wildlife between properties and minimize obstacles to open space.

- f. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).
 - g. Where the Project may impact aquatic and riparian resources, CDFW recommends CDPR select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.
- 9) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
- a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities webpage](https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities)⁴.

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 8 of 16

- 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](#)⁵. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.
- 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](#)⁶, 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 offsite.
- 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](#)⁷ (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 time of day when

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

⁶ <https://vegetation.cnps.org/>

⁷ <https://wildlife.ca.gov/Data/CNDDDB>

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 9 of 16

the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See [CDFW's Survey and Monitoring Protocols and Guidelines](#)⁸ 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 rare plant 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 taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 10) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following.
- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).
 - b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
 - c. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.
 - d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. 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

⁸ <https://wildlife.ca.gov/conservation/survey-protocols>

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 10 of 16

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.

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

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

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

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 11 of 16

- 13) 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 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.
- 14) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be discussed in detail. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring.
- 15) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, illegal dumping, water pollution, and increased human intrusion. An appropriate endowment, as determined through a cost estimate analysis, should be set aside to provide for long-term management of mitigation lands.

Luke Serna
 California Department of Parks and Recreation
 May 6, 2025
 Page 12 of 16

- 16) Translocation/Salvage of Plants and Animal Species. Translocation and relocation are the process of removing plants and wildlife from one location and permanently moving it 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. These efforts are experimental, and the outcome is unreliable. CDFW has found that permanent preservation and management of habitats capable of supporting the affected species is often a more effective long-term strategy for conserving plants and animals and their habitats.

- 17) Scientific Collecting Permit. A Scientific Collecting Permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and 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 on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's [Scientific Collecting Permit webpage](#)⁹.

- 18) Lake and Streambed Alteration. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that CDPR assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing CDFW's [Lake and Streambed Alteration Program website](#)¹⁰.

- 19) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the [Fish and Game Commission's \(Commission\) policies](#)¹¹. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland

⁹ <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

¹⁰ <http://www.wildlife.ca.gov/Conservation/LSA>

¹¹ <https://fgc.ca.gov/About/Policies/Miscellaneous>

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 13 of 16

habitat in California” (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be ‘no net loss’ of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values.”

- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
 - b. The Fish and Game Commission’s Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).
- 20) Use of Native Plants and Trees. CDFW recommends CDPR provide a native plant palette for the Project. The Project’s landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project’s location adjacent to protected open space and natural

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 14 of 16

areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#)¹². 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 (i.e., snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)¹³ 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](#)¹⁴.

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

FILING FEES

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

CONCLUSION

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

¹² <https://www.cal-ipc.org/plants/inventory/>

¹³ <https://wildlife.ca.gov/Data/CNDDDB>

¹⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 15 of 16

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

Sincerely,

Signed by:

AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife
Melanie Burlaza, Senior Environmental Scientist (Supervisory)
Cindy Hailey, Staff Services Analyst

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

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Luke Serna
California Department of Parks and Recreation
May 6, 2025
Page 16 of 16

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