ENCLOSURE

California Department of Fish and Wildlife Comments and Recommendations:
NOP for the Safari Highlands Ranch Project DEIR
(SCH#2015091039)

SC-MSCP and NC-MSCP

1. The DEIR should analyze how the annexation/removal of Project lands from the County of San Diego to the City of Escondido could potentially affect the County of San Diego's existing SC-MSCP and in-progress NC-MSCP, including covered species goals and objectives, preserve design, wildlife movement, and management and monitoring requirements. The analysis for consistency with the MSCP should acknowledge that the entire conserved open space would now be moving from an active NCCP jurisdiction (County of San Diego) to a non-active NCCP jurisdiction (City of Escondido), so many of the assurances to ensure long-term viability of the conserved open space for biological purposes would not be as enforceable from the Wildlife Agencies' perspective. The DEIR should clearly demonstrate how the conserved areas on-site would be managed once annexed into the City of Escondido.

   A. NC-MSCP and Annexations
   The County, Service, and the Department entered into a planning agreement (County of San Diego, 2014a) for the NC-MSCP which includes an interim review process to ensure that projects do not compromise conservation goals and objectives prior to the completion of the plan. The County's planning agreement for the NC-MSCP (County of San Diego, 2013b) includes annexations as interim projects and provides that: "In the event land within the County's jurisdiction is annexed to another jurisdiction an agreement shall be reached between the County, annexing jurisdiction, Service and the Department as part of the annexation process to ensure that annexation would only occur when the annexation will not jeopardize the build-out of the preserve or the coverage of species within either of the Planning Areas, or compromise viable habitat linkages within the proposed preserve, and that any development of the annexed lands proceeds in accordance with the Planning Goals set out in section 3 of this Agreement and the Preliminary Conservation Goals set out in section 5 of this Agreement. The agreement shall also set forth the resulting responsibilities for ongoing maintenance and enforcement of the terms of this Agreement as they relate to the annexed land. Issuance of Take Authorizations to the annexing jurisdiction or amendment of the annexing jurisdiction's Take Authorizations, if any are already in place, may be required in order to authorize Take on the annexed land" (County of San Diego, 2014a). As part of the analysis for NC-MSCP, it is important to acknowledge that in developing the draft PAMA and habitat/species goals it was assumed that development would occur in accordance with the densities allowed under the adopted County General Plan (County of San Diego, 2014b).

   The DEIR should include sufficient information and analysis to demonstrate how the project is consistent with the preliminary conservation objectives of the NC-MSCP, including the planning units goals for the Daley Ranch-Lake Wohlford Core Area (Planning Unit 8), the Planning Agreement Exhibit B guidelines for interim project and how it would meet the NCCP/4(d) findings required impacts to coastal sage scrub (which are subject to Department and Service concurrence). The analysis should also demonstrate how the proposed management and monitoring program for the Project

would meet or exceed NC-MSCP standards. Since the County and City do not have approved NCCPs for the area of the Project that falls within the NC-MSCP, authorizations for any take to state-listed species would need to be requested through CESA.

B. South County MSCP and Annexations

No. 16 under "Project Entitlements/Approvals" of the NOP (City of Escondido, 2015) states that the project seeks associated permits and agreements from agencies including:

1) Agreements with San Diego County and both the U.S. and California Departments of Fish and Wildlife to reassign the Multiple Species Conservation Plan (MSCP), previously approved for the southern approximately one-half area of SPA #4, from San Diego County to the City of Escondido and to reassign permits for project related habitat loss; and,

2) Adoption of a habitat plan management plan for the northern portion of project site located outside of adopted MSCP area.

Section 5.4.3 (Annexations) of the south San Diego County Subregional MSCP Plan (County of San Diego, 1998a) addresses annexations and anticipates that the following three categories of annexations involving local jurisdictions could occur in the future as follows: 1) Annexation of Lands Outside the MSCP Study Area into the Corporate Boundaries of Participating MSCP Jurisdictions; 2) Anticipated Annexation of Lands within the MSCP Study Area; and, 3) Annexation of Lands within the MSCP Study Area Involving MSCP Participants Where Subarea Plans and Implementing Strategies Are Not Identical. Section 9.19 of the County's implementing agreement for the SC-MSCP addresses annexations and provides that "[i]n the event land within the County's jurisdiction is annexed to another jurisdiction, an agreement shall be reached between the County, the annexing jurisdiction, USFWS, and CDFG, as part of the annexation process, to ensure that any development of the annexed lands proceeds in accordance with the conservation goals of the MSCP (and, if the annexing jurisdiction is a Participating Local Jurisdiction, the goals of the Jurisdiction's Subarea Plan) and sets forth the resulting responsibilities pursuant to the MSCP for ongoing maintenance and enforcement of the terms of this agreement and the MSCP as it relates to the annexed land" (County of San Diego, 1998b).

Please be advised that any such transfer of permits for the portion of the site located in the adopted SC-MSCP would require approval from the County and Wildlife Agencies, and likely would involve a major amendment to the County's permit. The DEIR should adequately provide the information necessary to support any required action related to amending the County's MSCP to support this Project. This information should include (but not be limited to) documenting the species found on-site based on current surveys; analyzing how removing 1,098 acres of land with biological value from the County's jurisdiction would affect the County's existing SC-MSCP and in-progress NC-MSCP in terms of conservation goals, species coverage and management/monitoring requirements; and, assessing how going from a jurisdiction with an approved NCCP for South County and Planning Agreement for the North County to a jurisdiction without an active permit or agreement would affect the long-term viability of the known species that

occur on-site and the assurances provided to the Wildlife Agencies. The DEIR and supporting biological report should provide sufficient information to allow for any amendment to the County's MSCP that may be required to implement the proposed Project; otherwise, additional environmental documentation may be required. The DEIR and supporting biological technical report should also analyze how the Project would be consistent with the approved MHCP and the City's draft MHCP Subarea Plan and the County's MSCP as part of the overall analysis of the Project's consistency with adopted and planned NCCP-HCPs.

2. As stated above, the proposed Project is located primarily within the PAMA, within the Daley Ranch-Lake Wohlford Core Area (Planning Unit 8) and is part of a larger block of natural habitat (typically 500 acres or more) that supports a viable population of multiple wildlife species in the PAMA. The draft NC-MSCP plan anticipates that approximately 75 percent of lands designated as PAMA would be conserved with 25 percent utilized for development and anticipates the following conservation goals for the Daley Ranch-Lake Wohlford Core Area (Planning Unit 8) (County of San Diego, 2014b):

   a. Maintain sensitive habitats, such as oak woodlands, grasslands, especially those supporting Stephens' kangaroo rat or large numbers of raptors, and upland habitat on mafic soils that support sensitive plant species, such as chaparral beargrass and Parry's tetracoccus (particularly north of Lake Wohlford) to the maximum extent practicable.

   b. Ensure that coastal California gnatcatchers are able to move through coastal sage scrub, in particular by ensuring line of sight between patches of coastal sage scrub when continuous habitat is absent.

   c. Minimize impacts to and aim to retain the integrity and function of the upper San Dieguito Creek watershed, a high integrity watershed with little development and few roads, and a tributary to Santa Ysabel Creek.

   d. Conserve the integrity of Santa Ysabel Creek so it continues to provide habitat and maintain water quality.

   e. Ensure that large and medium sized mammals continue to be able to move through natural and agricultural lands between the preserved habitats at Daley Ranch and Lake Wohlford.

   Based on the NOP, the current project design proposes 69 percent open space; however, the biological viability of some of these areas would be substantially reduced from the development's edge effects, fuel management areas, public access and the two emergency access roads which would fragment a larger block of habitat that is planned to connect designated preserve areas with high value habitat within the NC-MSCP PAMA, including areas currently conserved to mitigate impacts to California gnatcatchers and their habitat. Fragmentation reduces habitat quality and promotes increased levels of nest predation and brood parasitism, and ultimately, increased rates of local extinction (Wilcove 1985, Rolstad 1991, Saunders et al. 1991, Soulé et al. 1988). Connectivity among habitat reserve areas (i.e., connectivity among gnatcatcher habitat within the NC-MSCP PAMA) is essential for long-term maintenance of the viability of California gnatcatchers in this area. Maintaining connectivity among these patches of habitat serves to: (1) allow exchange of genetic

material among populations; (2) allow recolonization of habitat patches from which gnatcatchers have been extirpated; and (3) allow relatively safe travel for gnatcatchers moving from one area to another. Fragmentation of habitat within core habitat areas and the narrowing of connections among blocks of remaining habitat for gnatcatchers are expected to reduce the function and value of these areas.

The DEIR should evaluate direct and indirect impacts that the proposed development would have on the planned Daley Ranch-Lake Wohlford Core Area (Planning Unit 8) and NC-MSCP planning unit goals, and in particular consider adverse effects on wildlife movement through the site. The DEIR should analyze potential impacts to wildlife movement (including gnatcatchers, mammals and herpetofauna), loss of and fragmentation to habitat patches/blocks on-site and implications to adjoining habitat, and the narrowing of movement corridors in relation to existing conditions and topography. In the DEIR analysis, any changes in proposed land use density should be evaluated for its potential to result in greater, more intense impacts than under a lower density scenario. Some increased or new impacts associated with increased density in this location may include increased edge effects from noise, lighting, water quality and erosion, higher levels of recreational use (i.e., designated and non-designated trails) in the open space, feral animals, and animal strikes from increased vehicular traffic. If the Project would increase density over that which is anticipated under the NC-MSCP (County of San Diego, 2014b), the DEIR should demonstrate that any standard for wildlife corridors, buffers and mitigation ratios is appropriate for the Project based on site-specific studies and would be adequate to reduce impacts to existing natural habitat community plans and regional wildlife corridors to a level of less than significant.

3. To enable the Department to adequately analyze potential impacts to biological resources and the County's SC-MSCP and in-progress NC-MSCP, the following should be included in the DEIR and supporting biological reports and shown on appropriate figures:

   A. Wildlife corridors, which should be a minimum 1,000 feet in width along the entire property boundaries, and not include fuel management, accessory uses and other uses not compatible with long-term biological preservation of the conservation lands.

   B. Wildlife road crossings (with proposed dimensions).

   C. Any revegetation proposed for mitigation or otherwise intended to integrate natural and developed areas along the edge of the development). The DEIR should identify the proposed parameters for the 145 acres of revegetation for temporary disturbance areas, including success criteria, type of funding assurances, future maintenance, time-frame for sign-off, whether or not these areas are being considered as mitigation and covered under the RMP for the Project.

   D. Updated, current surveys for sensitive animal and plant species, including gnatcatcher, cactus wren, white-tailed kite, least Bells' Vireo, small mammals, horned lizard, golden eagle, etc.. We recommend that 2016 spring season be conducted and included in the DEIR considering the anticipated rainfall forecasted for this Fall/Winter/Spring.

   E. Where the DEIR shows mapping for "developed areas", the supporting biological information should clearly describe the methods used to determine that these areas do

not qualify as non-native grasslands (e.g., based on percent cover, species composition, authorized grading, etc.).

F. The DEIR should clearly distinguish between which species occur within areas that have an adopted NCCP-HCP permit and those species which do not.

G. We recommend addressing yellow-billed cuckoo (*Coccyzus americanus*), as a recent observation of this state-listed species occurred in San Diego County in 2012 and in 2014 in nearby Coachella (Imperial County). Also recommended is to assess the habitat suitability of the site for the state-listed southwestern willow flycatcher (*Empidonax traillii extimus).*

H. Based on initial biological surveys for the Project (Althouse and Meade, 2015), the coastal California gnatcatcher (*Polioptila californica californica*), federally threatened and state species of concern, were observed on site during 2014 surveys. Due to the presence of this federally threatened species on-site, we recommend that the Service be consulted to determine the appropriate federal process for evaluating and mitigating impacts to this species. The information from that consultation should be included in the DEIR and supporting biological report for the Project. We recommend that all on-site territories for the gnatcatcher be mapped and included in the impact analysis.

I. Based on initial biological surveys for the Project (Althouse and Meade, 2015) white-tailed kite (*Elanus leucurus*), a state fully protected species was observed on-site. One pair of white-tailed kites was detected during the 1998 surveys; however, they were not detected in 2014 or 2015. We recommend that updated surveys for this species be conducted and the results included in the DEIR. An evaluation of impacts and avoidance of this fully-protected state species should be included in the DEIR.

J. Based on initial biological surveys for the Project (Althouse and Meade, 2015), San Diego horned lizard (*Phrynosoma coronatum blainvillei*) was detected at three locations in the south-central portion of the site during the 1998 survey and was very common in the central portion of the site during the 2015 field effort. Project impacts (direct and indirect) to this species should be evaluated as part of the DEIR, including how the loss of habitat/species occurrences at this site would affect the County existing SC-MSCP and future NC-MSCP coverage for this species.

K. CNDDB notes a historic (1906) occurrence of tricolored blackbird *(Agelaius tricolor)* in the area (approximately 500-feet to the southwest of the site). We recommend that suitable habitat and potential impacts to this species be fully evaluated in DEIR.

L. Based on initial biological surveys for the Project (Althouse and Meade, 2015), a total of 321 oaks would be impacted by the proposed Project. The DEIR and supporting biological report should identify proposed mitigation for impacts to oak trees, including the proposed parameters for the oak tree replacement, including success criteria, type of funding assurances, future maintenance, time-frame for sign-off, whether or not these areas are being considered as mitigation and covered under the RMP for the Project.

M. We recommend that the proposed Project avoid impacts to nesting locations for cactus wren *(Campylorhynchus brunneicapillus)* and include an adequate buffer from the active

territories. The location and status (through on-going monitoring) of this species should be included as part of the RMP for the project.

Project Alternatives

4. The DEIR should provide analyses of a range of feasible alternatives to ensure that alternatives to the proposed Project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise minimize impacts to sensitive biological resources, particularly wetlands. Specific alternative locations should be evaluated in areas with lower resource sensitivity, where appropriate.

   The Project currently proposes 753 acres (69 percent) as biological open space (City of Escondido, 2015) in areas that are in both the County's existing SC-MSCP and in-progress NC-MSCP. The Department recommends that the proposed Project be designed to be consistent with the draft NC-MSCP in terms of conservation goals for the PAMA (i.e., 75 percent conservation of lands designated as PAMA), and provide a viable wildlife connection (consistent with accepted regional standards) through the property to maximize the conservation of coastal sage scrub and to ensure wildlife movement through the site to existing and planned conserved lands in the area (County of San Diego 1997 and 2014b). Although the current project design proposes 69 percent open space, it appears that the long-term biological viability of some of these areas would be substantially reduced from edge effects and fragmentation related to the proposed development from required fuel management areas, public access and the two emergency access roads, the northerly one would be approximately 2.4 miles long and the southern road would be approximately 1 mile long with no dedicated wildlife crossing currently proposed due to the level of traffic anticipated (Althouse and Meade, 2015).

   We recommend (at a minimum) that the DEIR include an alternative that is consistent with the draft NC-MSCP conservation goals for the PAMA (i.e., 75 percent conservation of lands designated as PAMA with sufficient wildlife connectivity). Such a DEIR alternative would: substantially minimize project impacts to the draft PAMA and occupied coastal sage scrub; provide for a large, contiguous block of open space on-site that is not bisected by roads; minimize edge effects to onsite biological open space areas; and maintain wildlife connectivity between on- and off-site conserved lands and areas designated as PAMA in the adopted SC-MSCP and in-progress NC-MSCP. In addition to minimizing impacts to the County's existing SC-MSCP and NC-MSCP to the maximum extent practicable, we recommend that the DEIR include an alternative that would retain all of the biological open space necessary for MSCP consistency within the County of San Diego. This alternative would keep the biological open space within a jurisdiction that has an active NCCP and a planning agreement and commitment to complete the NC-MSCP, which would better ensure the long-term conservation, management, and monitoring of the on-site open space from a land use planning and biological conservation perspective. The Department would consider this alternative biologically superior to the proposed Project while still meeting Project objectives for the reasons stated above.

   The proposed Project is located adjacent to various lands that have been or are planned to be conserved for biological resources, including Rancho Pasqual Open Space (City of Escondido) to the immediate west, Vista Monte Open Space (City of Escondido) to the southwest, other private conserved lands to the southeast (Yalof Joint Revocable Trust),

and BLM lands and Boden Canyon to the east. The DEIR should evaluate the direct and cumulative effects that the proposed development would have on the adjacent existing and proposed conservation. The analysis should include effects on these lands from the proposed Project, including direct and indirect impacts from: (a) increased public use of these open space areas from the Project's population; (b) lighting; (c) noise; (e) drainage; (f) landscaping and introduced vegetation, etc.

Threatened and Endangered Species

5. Based on initial biological surveys for the Project (Althouse and Meade, 2015), the project site contains several sensitive species, some of which are federally and/or state-listed. Such species include: mule deer, least Bell's vireo, yellow-breasted chat, loggerhead shrike, Cooper's hawk, white-tailed kite, gnatcatcher, cactus wren, orange-throated whiptail, San Diego horned lizard, hoary-leaf ceanothus, summer holly, coast live oak, delicate clarkia, Engelmann oak, San Diego sagewort, and spiny rush.

   The NC-MSCP is still in-progress, and is expected to be completed in 2017. Until the NC-MSCP is completed and permit issued, the Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options [Fish and Game Code §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

General Comments

6. To provide a complete assessment of the flora and fauna within and adjacent to the project area with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats, the DEIR should include the following information.

   a) Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on resources that are rare or unique to the.

b) A current inventory of the biological resources (to include rare, threatened, and endangered, and other sensitive species) associated with each habitat type on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive plant, fish, wildlife, reptile, and amphibian species. The Department's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

c) Discussions regarding seasonal variations in use of the project area and vicinity by sensitive species, and acceptable species-specific survey procedures as determined through consultation with the Department. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

7. The DEIR should discuss direct, indirect, and cumulative Project-related impacts expected to adversely affect biological resources. All facets of the Project should be included in this assessment. Specifically, the DEIR should include:

a) Specific acreages and descriptions of the types of wetlands, coastal sage scrub, and other habitats that would potentially be affected by the proposed Project or project alternatives. Maps and tables should be used to summarize such information.

b) Detailed discussions, including both qualitative and quantitative analyses, of potential direct effects on listed and other sensitive species (fish, wildlife, plants) and their habitats within the area of impact of the proposed and alternative projects.

c) Discussions regarding indirect Project impacts on biological resources, including 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 NCCP).

d) Impacts to wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated.

e) Discussions of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: Project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the Project site.

f) If applicable, a discussion of the effects of any Project-related dewatering or ground water extraction activities to the water table and the potential resulting impacts on the wetland/riparian habitat, if any, supported by the surface and groundwater.

g) Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development Project and natural habitats.

h) A cumulative effects analysis as described under CEQA Guidelines, section 15130, assessing the impacts of the proposed Project in conjunction with past, present, and anticipated future projects, relative to their impacts on native plant communities and wildlife.

As described above, we recommend (at a minimum) that the DEIR include an alternative that is consistent with the draft NC-MSCP conservation goals for the PAMA (i.e., 75 percent conservation of lands designated as PAMA with sufficient wildlife connectivity). From a cumulative perspective, we are concerned that the proposed Project, as currently designed, would increase fragmentation of natural habitat within this area of the County's MSCP, including, but not limited to coastal sage scrub, from Project edge effects, emergency access roads, public access, and required fuel management areas.

8. A thorough discussion of mitigation measures for adverse Project-related impacts on sensitive plants, animals, and habitats. Specifically, the DEIR should include/address:

a) Measures to fully avoid and otherwise protect Rare Natural Communities from Project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.

b) Where avoidance is infeasible, mitigation measures that emphasize minimization of Project 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 (e.g., it would not adequately mitigate the loss of biological functions and values), off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. The Department generally does not encourage the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown these efforts are experimental in nature and do not provide for the long-term viability of the target species.

c) Mitigation measures to alleviate indirect Project-related impacts on biological resources, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.

d) Where proposed grading or clearing is within 100 feet of proposed biological open space, or otherwise preserved sensitive habitats, a requirement for temporary fencing. Fencing should be placed on the impact side and should result in no vegetation loss within open space. All temporary fencing should be removed only after the conclusion of all grading, clearing, and construction activities.

e) A requirement that a qualified biological monitor be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor should have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation

measures. Any unauthorized impacts or actions not in compliance with the permits and construction documents should be immediately brought to the attention of the Lead Agency and the Department.

f) Measures to protect, in perpetuity, the targeted habitat values of proposed preservation and/or restoration areas from direct and indirect negative impacts. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Habitat protection, adaptive management of threats to the habitat and species, and monitoring should all be assured and begin at the same time as the project impacts. Permanent fencing should be installed between the impact area and biological open space and be designed to minimize intrusion into the sensitive habitats from humans and domestic animals. There should be no gates that would allow access between the development and biological open space. Additional issues that should be addressed include proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, etc.

g) Development and implementation of a management and monitoring plan (MMP), including a funding commitment, for any on- and/or off-site biological open space easements, if applicable. An appropriate natural lands management organization, subject to approval by the County and Department, should be identified. The MMP should outline biological resources on the site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts. A Property Analysis Record (PAR) or comparable method should be completed to determine the amount of funding needed to perform start-up activities and for the perpetual management, maintenance, and monitoring of the biological conservation easement areas by the natural lands management organization. It should be demonstrated that the proposed funding mechanism would ensure that adequate funds would be available initially and on an annual basis to implement the MMP. The natural lands management organization should submit a draft MMP, PAR results, and proposed funding mechanism to the Department for review and approval prior to initiating construction activities; the final plan should be submitted to the Department and the funds for implementing the MMP transferred within 90 days of receiving approval of the draft plan.

9. The Department recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1 - September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be

appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

10. If the Project includes parks and/or fuel modification zones within the open space acreage, please be aware that these uses would be considered fully impacted by the Department and cannot be included in biological open space proposed for conservation to offset impacts to sensitive resources and must be mitigated appropriately. The DEIR should clearly differentiate between biological open space that would be used as mitigation to offset Project impacts (natural open space) and open space (i.e., parks and fuel modification zones) that would be routinely maintained/impacted.

11. All plans for restoration/revegetation associated with the Project should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

12. The Department is concerned about the potential direct and indirect effects to biological resources associated with the construction of trails in areas proposed for designation as open space on site. We recommend that trails in open space be located to not bisect intact areas and instead be placed along the perimeter or edge of open space areas. The following information should be included in the DEIR regarding any proposed trail: an aerial photograph with an overlay of the proposed alignment of the trail in relation to designated or proposed open space; specifications of the trail type and design; measures to avoid/minimize impacts related to users straying off-trail and/or unauthorized activities (e.g., vehicles); and a discussion of how the proposed location and use of the trail would be consistent with the County's existing SC-MSCP and in-progress NC-MSCP.

13. The City should ensure that all development-related landscaping proposed adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic species should be removed and replaced with native or non-invasive exotic species based on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" list that can be obtained from Cal-IPC's web site at http://www.cal-ipc.org. This list includes such species as pampas grass, fountain grass, myoporum, black locust, capeweed, tree of heaven, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant should submit a draft list of species to be included in the landscaping to the Department for approval at least 60 days prior to initiating Project impacts. Additionally, the applicant should also submit to the Agencies the final list of species to be included in the landscaping within 30 days of receiving approval of the draft list of species. Moreover, to increase potential habitat and functionality of on-site wildlife corridors, we recommend that any Project-graded slopes and fuel clearing areas requiring replanting be planted with compatible, low-fuel natives (e.g., cacti and other succulents) to

minimize the potential for invasive species to spread into the proposed on-site mitigation/open space areas and into adjacent natural lands.

14. Based on a review of CNDDB, the site has the potential to contain a number of drainages that bisect the project site. On-site construction could result in direct or indirect impacts to streambeds (and associated coast live oak woodland), as well as to southern (willow) riparian forest and mule fat scrub habitats. The Department recommends that a minimum 100-foot buffer from the riparian habitat in the major on-site drainages be incorporated into the Project. We further recommend that any encroachment (necessitated by site topography) from on-site trails be avoided or extremely limited, and not approach any closer than 50-feet to riparian/wetland habitat.

The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. The project area supports aquatic, riparian, and wetland habitats. The DEIR should include a jurisdictional delineation of the creeks/drainages and their associated riparian habitats. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service wetland definition adopted by the Department (Cowardin et al. 1979). Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency under CEQA, the Department may consider the City's DEIR for the project. We recommend that all wetlands and watercourses on-site, whether ephemeral, intermittent or perennial, should be retained and provided with substantial setbacks to preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife and plant populations. Moreover, to minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an SAA.

15. Based on initial biological surveys for the Project (Althouse and Meade, 2015), it appears that cactus wren *(Campylorhynchus brunneicapillus)* was only incidentally noticed in southwest portion of the project site while conducting gnatcatcher surveys. We recommend that a more species-specific survey be conducted for the cactus wren. This survey should include an inventory of the patch size/extent of suitable cacti habitat on the site, including the locations of habitat with cacti over 0.5 meter in height and how much would be potentially impacted by the Project. To the extent practicable, the Project should identify measures for avoidance if possible, then salvage of all cacti on-site for use as part of Project migration for species and habitat, and for landscaping and potential inclusion in fuel management and trail areas. Last, the DEIR should include measures to conduct surveys for gnatcatcher and cactus wren during the breeding season where habitat would occur within proposed fuel management areas.

16. The DEIR should analyze how the proposed Project would directly and indirectly impact habitat connectivity and wildlife movement. Based on the information provided as part of the

NOP, mountain lion has historically been detected on-site and included individuals passing through the site. The historic movement of mountain lion and mule deer should be included in the analysis of project impacts to wildlife corridor and related project design features. The analysis should include a discussion of wildlife corridor dimensions (how it meets the 1,000 foot minimum recommended), and whether or not fuel management, lighting, and accessory/other uses are proposed within these areas. Identification of areas where crossings, fencing, vegetation or other project features or mitigation are recommended to offset Project impacts or ensure impacts would be below a level of significance should be included in the DEIR and supporting biological report.

16. This DEIR and supporting biological report should evaluate and propose mitigation for impacts (direct and indirect) related to trails and other uses proposed within open space expected to be preserved on-site. The analysis should identify all staging and support facilities needed to support trails, and include an appropriate buffer from designated trails to account for indirect impacts (we recommend that a 300-foot buffer be included for the trail buffer area). In addition, the RMP should include a program to adequately monitor and manage any public use proposed within the on-site conserved open space areas to ensure that the gnatcatcher, cactus wren and other species are persisting in the on-site conserved open space.

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