



	<p align="center">Response to Comment Letter F1/S1</p>
<div style="display: flex; justify-content: space-between;"> <div data-bbox="241 248 575 365">  <p>U. S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, California 92008 (760) 431-9440 FAX (760) 431-9624</p> </div> <div data-bbox="657 248 1052 365">  <p>California Department of Fish and Wildlife South Coast Region 3883 Rullin Road San Diego, California 92123 (858) 467-4201 FAX (858) 467-4299</p> </div> </div> <div style="text-align: right; margin-top: 10px;"> <p>Comment Letter F1/S1</p> <p>May 8, 2017 <i>Sent by email</i></p> </div> <p>In Reply Refer To: FWS/CDFW-16B0236-17CPA0128</p> <p>Ms. Michelle Irace County of San Diego, Planning and Development Services 5510 Overland Avenue, Suite 310 San Diego, CA 92123</p> <p>Subject: Comments on the Otay 250 - Sunroad East Otay Specific Plan Amendment (SCH# 2016031028, CEQA-2016-0174-0000-R5), San Diego, California</p> <p>Dear Ms. Irace:</p> <p>The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced draft Supplemental Environmental Impact Report (SEIR) dated March 27, 2017. The Wildlife Agencies have identified potential effects of this project on wildlife and sensitive habitats. The project details provided herein are based on the information provided in the draft SEIR and associated documents.</p> <p>The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has the legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service also is responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 <i>et seq.</i>), including habitat conservation plans (HCPs) developed under section 10(a)(1)(B) of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species pursuant to the California Endangered Species Act (Fish and Game Code §2050 <i>et seq.</i>) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program (Fish and Game Code 2800, <i>et seq.</i>).</p> <p>The Service issued a section 10(a)(1)(B) permit pursuant to the ESA for the County's Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) on March 17, 1998. The Department also issued NCCP Approval and Take Authorization per Section 2800 <i>et seq.</i> of the California Fish and Game Code. The MSCP is a comprehensive, long-term habitat conservation planning program that addresses the needs of multiple species and the preservation of natural vegetation communities within the southwestern subregion of San Diego County. The MSCP also addresses the loss of covered species and their habitats due to the direct, indirect, and cumulative impacts associated with land development. The County's SAP and associated Implementing Agreements and permits are the means by which the County is obligated to assemble the MSCP Preserve and to mitigate for impacts to covered species and their habitats.</p>	<p align="center"> U.S. Fish and Wildlife Service Karen Goebel, Assistant Field Supervisor </p> <p align="center"> California Department of Fish and Wildlife Gail K. Sevrens, Environmental Program Manager May 8, 2017 </p> <p>F1/S1-1 This comment summarizes the U.S. Fish and Wildlife Service's mandate and legal responsibilities in administering federal law directed at protection of fish and wildlife resources and their habitats. It also addresses the California Department of Fish and Wildlife's position as a Trustee and Responsible Agency for implementing the California Environmental Quality Act and ensuring appropriate conservation of the state's biological resources. The comment includes background information relative to issuance of the Section 10(a)(1)(B) permit for the County's MSCP Subarea Plan and explains the purpose of the MSCP and its authority through associated Implementing Agreements and permits. This comment does not address the adequacy of the EIR, therefore, no further response is required.</p>

F1/S1-1

<p>Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 2</p> <p>We offer the following recommendations and comments to assist the County in minimizing and mitigating project impacts to biological resources and to assure that the proposed project is consistent with the MSCP and the County's SAP.</p> <p><i>Project Description</i></p> <p>The project site is generally located at the northeastern corner of Otay Mesa Road and Harvest Road immediately east of SR-125. The project is located in the Otay Community Planning area, within unincorporated San Diego County. The proposed project site is located within the approved East Otay Mesa Business Park Specific Plan area and encompasses 253.13 acres, including 218.12 acres of lot area and approximately 35.01 acres of right-of-way area for various roadway improvements. The project proposes a Specific Plan Amendment (SPA) to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for a mix of employment, retail, and residential uses. The proposed project would allow for the entitlement of a maximum of 3,158 dwelling units, 84,942 square feet of general commercial uses, and 1,389,564 square feet of employment uses, and approximately 51.3 acres of permanent biological open space which will be used for mitigation for impacts to sensitive habitats and species. The project would impact vernal pool habitats, non-native grasslands, and disturbed wetlands. The project would also impact two federally endangered species, the San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) and San Diego button celery (<i>Eryngium aristulatum</i> var. <i>parishii</i>), as well as MSCP covered, narrow endemic species such as variegated dudleya (<i>Dudleya variegata</i>). The project also requires an amendment to the Otay Subregional Community Plan, a Rezone to incorporate mixed uses, and a Tentative Map to subdivide the property. The project will also require both Major and Minor Amendments to the County SAP.</p> <p>The Wildlife Agencies have been working with the County concerning projects in East Otay Mesa since 1998. Previously, a Minor Amendment request was submitted to the Wildlife Agencies by the County for the Sunroad Centrum project in accordance with their SAP. In a letter dated November 12, 2003, the Wildlife Agencies concurred with the amendment request provided that certain conditions were required of the project. These conditions included the implementation of conservation measures outlined in the Service's biological opinion (FWS-DG-944.5), and modifications to the Resource Conservation Plan (RCP) that was originally proposed for the Sunroad Centrum project. With regards to the area of the project site that is located within a Major Amendment area, we concluded that if there were no impacts to this area, there was no need to process a major amendment for the project.</p> <p>More recently, the Wildlife Agencies commented on the Notice of Preparation (NOP) for this project in a letter dated April 11, 2016. In this letter, we stated "Provided the impacts to sensitive and listed species have not changed from the previous project, these measures should be included as mitigation measures in the SEIR. If there are changes to the project impacts or mitigation measures, our Minor Amendment concurrence will need to be re-evaluated based on the current project design." Although the project footprint may be similar to the previous project, there have been significant changes to the status of the species and habitat on the project site and East Otay Mesa in the past 14 years. As an example, the onsite open space has significantly degraded due to a fire and no management, which has resulted in the loss of coastal sage scrub (CSS) habitat and narrow endemic species. In addition, the loss of suitable burrowing owl habitat in East Otay Mesa is a significant concern to the Wildlife Agencies. Therefore, we recommend that the Minor</p>	<p>F1/S1-2 This comment provides a general overview of the Project description and discretionary actions as presented in the SEIR (see Chapter 1.0) and provides a summary of the Project's impacts to biological resources (see Chapter 2.0, Section 2.2). This comment does not address the adequacy of the EIR, therefore, no further response is required.</p> <p>F1/S1-3 This comment provides background relative to the Wildlife Agencies prior involvement with projects in the East Otay Mesa Business Park Specific Plan area in relationship to the County's MSCP Subarea Plan. This comment also references the Wildlife Agencies' concurrence letter and conditions for the Minor Amendment associated with the previously approved Sunroad Spectrum project. (The Sunroad Spectrum project is the current project approved for the Project site.) As part of the Wildlife Agencies' previous actions relative to the Sunroad Spectrum project, it was concluded that there was no need to process a Major Amendment for the Sunroad Spectrum project as there were no impacts to the Major Amendment area. This comment does not address the adequacy of the EIR, therefore, no further response is required.</p> <p>F1/S1-4 This comment summarizes the Wildlife Agencies' comment letter to the Notice of Preparation issued for the Project on March 11, 2016. It also states the Wildlife Agencies' opinion that there have been significant changes to the status of species and habitat on the Project site and East Otay Mesa since the time the Minor Amendment was approved in 2003. The comment also addresses "significant changes to the status of the species and habitat on the project site ... in the past 14 years."</p> <p>The 2017 Biological Technical Report (BTR) and the Biological Resources section of the 2017 SEIR (Section 2.2) for the Proposed Project acknowledge that a fire has occurred on the Project site, which burned coastal sage scrub habitat and sensitive species occurring in that area. The 7.29 acres of native grassland mapped within the coastal sage scrub-grassland matrix in the mima-mound area in 2000 that was consumed by fire on or around May 3, 2013 and now mapped as non-native grassland is located within the Biological Open Space. This area was</p>
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	<p>previously mapped as a mosaic of coastal sage scrub, native grassland, and non-native grassland.</p> <p>Impacts to non-native grassland were previously analyzed in the 2000 SEIR and mitigation included on-site preservation of non-native grassland and off-site purchase of additional lands at a ratio of 0.5:1. The offsite mitigation was completed in 2001 and the Open Space Easement on the Project site was dedicated in 2003. Mitigation Measure M-BI-13 in the 2017 SEIR for the Proposed Project discusses the on-site and off-site mitigation, which have been satisfied.</p> <p>As stated in the 2017 SEIR and BTR, fifteen abandoned burrows were found within the Project development footprint [and another 24 within the proposed Open Space Easement (Lot 20 of the proposed Tentative Map)]; however, no active or recently active burrows were found on-site during the 2015 and 2016 surveys. Mitigation Measure M-BI-5 requires a pre-construction burrowing owl survey and has been updated to require a translocation plan if owls are found during the pre-construction survey (see SEIR text changes). In summary, the mitigation for non-native grassland has been completed and mitigation measure M-I-5 will ensure there are no significant impacts to burrowing owl.</p>
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	<p>Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 3</p> <p>F1/S1-5 Amendment be re-evaluated for consistency under current conditions. At a minimum, the RCP will need to be updated and submitted to us for review and approval. The Service will also need to re-initiate the biological opinion for this project as conditions have changed, including designation of critical habitat within the project site for San Diego fairy shrimp.</p> <p>F1/S1-6 With regards to the Major Amendment area, we concur with the draft SEIR which states “that Major Amendment Areas contain habitat of higher value, including dedicated or designated preserve areas. Projects in Major Amendment Areas must be fully processed by USFWS and CDFW in conformance with all applicable laws and regulations.” Although the Major Amendment Area is designated primarily for preservation, the SEIR (Figure 1-13, Trails and Pathways) shows a trail directly through vernal pool habitat in the Northern Biological Open Space. Trails are generally not compatible with vernal pool habitat as they can compact the soil, alter the hydrology, and the pools are easily damaged if people walk through them; therefore, we recommend that the trail be relocated outside of the Biological Open Space. If the County and/or project proponent wants to pursue a trail in this area, they should locate it outside of the watershed of all of the vernal pools. Any remaining direct or indirect impacts to the habitat would require mitigation and would trigger the need to process a Major Amendment. In addition, no trails were addressed previously in the Service’s biological opinion; therefore, this is another change that will trigger re-initiation of the consultation.</p> <p>F1/S1-7 In our NOP letter, we recommended that the draft SEIR evaluate opportunities to maximize onsite conservation of grassland habitat and burrowing owl in light of the proposed change in land use. The draft SEIR does not show that any effort was made to conserve additional grassland for burrowing owls on site. Instead, the document only looked at a reduced project footprint around the historic locations of the sensitive plant species. We continue to recommend that the project be re-designed to avoid additional grassland habitat in order to meet conservation goals for burrowing owls within the MSCP and SAP. The associated MSCP Findings should be updated to reflect the significance of the site for burrowing owls. The findings incorrectly conclude that the site is not a Biological Resource Core Area because it is not in the Pre-Approved Mitigation Area (PAMA). The site is not in the PAMA because it is designated as an amendment area. The site is greater than 500 acres and is located in an area that could contribute to the long-term survival of sensitive species (e.g. burrowing owls and other raptors) and is contiguous with other conserved lands to the north. The “Findings for Conformance with the Biological Mitigation Ordinance” require that the project development be sited in areas to minimize impact to habitat and that clustering to the maximum extent permitted by County regulations be considered. The document provides no information regarding how clustering was utilized given the change in land use from industrial to residential; therefore, it is unclear how this finding can be met.</p> <p>F1/S1-8</p> <p>F1/S1-9</p> <p>F1/S1-10 Although the draft SEIR acknowledges on Page 2.2-32 that the 2017 Biological Technical Report update follows the current “Guidelines for Determining Significance and Report Format and Content Requirements” (2010), it does not acknowledge the County requirements denoted in the Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County (San Diego County Report Format and Content Requirements Appendix A), which states that “In East Otay Mesa (EOM) all grassland habitats are considered occupied”, and that, “Impacts to non-native grasslands in East Otay Mesa must be mitigated at 1:1, with at least half in East Otay Mesa or Otay Mesa, and the rest somewhere else”. The draft SEIR states, “Because burrows are unoccupied, the habitat is considered non-native grassland, per County guidelines.” To be consistent with the Burrowing Owl Strategy, the mitigation should be 1:1 for non-native grassland due to the location</p>	<p>F1/S1-5 In their letter dated November 14, 2003, the Wildlife Agencies concurred with the Minor Amendment for the Sunroad Centrum Project [Tentative Map (TM) 5139] provided the Conservation Measures in the Services biological opinion, the measures described in the Resource Conservation Plan, and conditions in the concurrence letter are met. The Resource Conservation Plan (RCP) received approval from the Director of the County Department of Planning and Land Use on December 12, 2003. The RCP serves as both a Resource Management Plan and Revegetation Plan.</p> <p>The applicant for the approved Sunroad Centrum Project has acted on Conservation Measures, measures in the RCP, and conditions in the previously approved Minor Amendment. Measures and conditions which have been completed to date include the following:</p> <ul style="list-style-type: none"> • 52 acres of Biological Open Space recorded – 11/20/03 • Director Decision issued approval of RCP 12/12/03 • Revegetation/RCP agreement recorded - 12/12/03 • Receipt of performance bonds for RCP from applicant – 1/9/04 • Bonds refunded – Revegetation portion complete 1/5/2012 <p>In addition, on April 16, 2001, the applicant contributed \$243,450 toward the preservation of land in Hollenbeck Canyon, a preserve area in the MSCP subarea, which provided habitat value equal to 5.4 acres of native grassland and 48.6 acres of non-native grassland. Approximately 0.4 acre of mitigation has been purchased to mitigate southern willow scrub. A San Diego Barrel Cactus Transplantation plan has been completed, as well.</p> <p>The County has re-evaluated the previously approved Minor Amendment for consistency under the Biological Mitigation Ordinance, and conformance with the MSCP and Subarea Plans, and found that it is still consistent. The Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Project proposes grading the same development footprint as the area that is covered in the Minor Amendment previously approved by the Wildlife Agencies.</p>
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	<p>In regard to the San Diego fairy shrimp, the County and the Service have already approved mitigation for the San Diego fairy shrimp in the 2000 Sunroad Centrum EIR (see mitigation measure 2.3.4.7.a). Mitigation for San Diego fairy shrimp is also included as M-BI-2 in the 2017 SEIR for the Proposed Project. The designation of critical habitat for San Diego fairy shrimp within the Project site does not require re-evaluation of the Minor Amendment—the mitigation is still required and has not changed. The County is not issuing a take permit for vernal pool species, including the San Diego fairy shrimp. The 2000 SEIR, the 2017 SEIR, and the 2017 BTR fully evaluate impacts to vernal pools and include required mitigation.</p> <p>F1/S1-6 Since the approval of the East Otay Mesa Specific Plan in 1994, the County adopted a Community Trails Master Plan that guides the type and location of trails throughout the unincorporated area. Planned trails within the East Otay Mesa Specific Plan area are shown on SEIR Figure 1-13, which is the same as Figure 2.2-1 in the approved East Otay Mesa Business Park Specific Plan. The trail easement within the Biological Open Space (BOS) was included in the previously adopted East Otay Mesa Business Park Specific Plan. The Project is not proposing any modifications of the Specific Plan relative to trails/pathways within the BOS. No trail improvements are proposed as part of the Project. Future construction of a trail within the trail easement would be the responsibility of the County, would require trail design and review under CEQA, and would require review by Wildlife Agencies if listed species have the potential to be adversely affected. Therefore, re-initiation of consultation regarding the existing planned trail identified in the East Otay Mesa Business Park Specific Plan is unnecessary.</p> <p>F1/S1-7 Mitigation for impacts to non-native grassland has been implemented as part of mitigation requirements for TM 5139, as discussed in response to comment F1/S1-5 above. The Proposed Project would result in the loss of the same area of habitat as TM 5139, and subsequent TM 5538 which is the current existing entitlement.</p>
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	<p>While the Project proposes an Amendment to the East Otay Mesa Business Park Specific Plan to allow development of the Project site as a mixed-use Village rather than as singular development with industrial, business park, and retail uses, the development area for the Project and the area that would be graded are the same as that approved for TM 5139. In order to implement the Project Objectives, the Project requires grading the entire footprint of the Project site. Therefore, there would be no change in areas where development would occur beyond what has already received approval.</p> <p>CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project which would feasibly attain <u>most of the basic objectives</u> of the project but would <u>avoid or substantially lessen</u> any of the significant effects of the project. Therefore, in accordance with CEQA, the SEIR includes a range of alternatives that could feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.</p> <p><u>Avoiding</u> impacts to non-native grassland would require implementation of the No Project/No Development Alternative, which is addressed in Section 4.4 of the SEIR. <u>Substantially reducing</u> impacts to non-native grassland would require preserving large areas of the Project site as open space. Such an alternative would not allow for most of the Project Objectives to be attained. Specifically, the No Project/No Development Alternative would not allow for the following Project Objectives:</p> <ol style="list-style-type: none"> 1. The No Project/No Development Alternative would not <i>contribute to the Specific Plan goals of promoting a well-organized international industrial and business district to attract and accommodate forecasted growth by providing a Mixed-Use Village Core that would permit a variety of residential uses at higher densities, in addition to light industrial/technology, office, and commercial uses</i> because no new development would occur. 2. The No Project/No Development Alternative would <i>promote the conservation of open space to preserve environmental</i>
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	<p><i>resources but would not provide recreational opportunities for the industrial workforce and surrounding community residents because no new development would occur.</i></p> <p>3. The No Project/No Development Alternative would not <i>implement the County of San Diego General Plan vision of creating compact communities by creating a Village Core within the East Otay Mesa sub-region that contains a mix of housing types located near retail businesses, employment, and recreational uses</i> because no new development would occur.</p> <p>4. The No Project/No Development Alternative would not <i>establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of surrounding businesses</i> because no new development would occur.</p> <p>5. The No Project/No Development Alternative would not <i>provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular use</i> because no new development would occur.</p> <p>6. The No Project/No Development Alternative would not <i>support development of the East Otay Mesa Specific Plan multi-modal transportation system by providing a multi-modal internal street network that serves vehicular, pedestrian, and bicycle travels; as well as installation of a bus stop providing access to local and regional transit</i> because no circulation network or transit would be constructed on the Project site.</p> <p>7. The No Project/No Development Alternative would not <i>develop well-designed infrastructure, buildings, and landscaping, on-site and off-site, that create a distinct urban character for the East Otay Mesa Specific Plan area</i> because no new development would occur on the Project site.</p>
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	<p>8. The No Project/No Development Alternative would not <i>provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth</i> because no new project would occur on the Project site.</p> <p>The Reduced Footprint Alternative represents an alternative that could reduce impacts to sensitive species that occur or have been previously documented on the Project site. That alternative would allow for the Project to attain most of the Project objectives. It would not, however, avoid or substantially reduce impacts to biological resources. Reducing the project footprint would reduce, but not avoid impacts to biological resources; mitigation measures required under the proposed Project would also be required under this alternative.</p> <p>The Reduced Footprint Alternative would reduce the development footprint to place open space easements around areas where San Diego button-celery and variegated dudleya have been previously documented would not avoid or substantially lessen any of the significant impacts of the Project. While any project entitlement would require pre-grading surveys for San Diego button-celery and variegated dudleya, neither species has been recorded on-site for more than a decade.</p> <p>Furthermore, since the last recorded observation, the area that contained the sensitive species have suffered a fire. There is insufficient information to support that increased open space easements as considered under a Reduced Development Footprint alternative would substantially reduce a significant impact, because there is no evidence the impact would actually occur based on the unknown and unverified occurrence of these species. Pursuant to CEQA Guidelines Section 15126.6(f)(3), CEQA does not require that an EIR consider an alternative whose effect cannot be reasonably ascertained. Moreover, the Project has mitigated all impacts to biological resources to less than significant. The easement areas proposed around the sensitive species for this alternative would be isolated and surrounded by urban development. The isolation of these areas, surrounded by urban development and adjacent to a major roadway, without connectivity to a larger open space, would lessen the long-term</p>
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	<p>viability for protecting these areas – particularly where the species have not been documented in recent history.</p> <p>There is insufficient information to support that increased open space easements as considered under a Reduced Development Footprint alternative would substantially reduce a significant impact, because there is no evidence the impact would actually occur with the unknown and unverified occurrence of these species. Pursuant to CEQA Guidelines Section 15126.6(f)(3), CEQA does not require that an EIR consider an alternative whose effect cannot be reasonably ascertained. Moreover, the Project has mitigated all impacts to biological resources to less than significant.</p> <p>Additionally, the isolation of sensitive species is not considered the ideal method of mitigation for these species. Even with the Reduced Development Footprint, the Specific Plan and the General Plan identify the Project site for development. The easement areas would be isolated and surrounded by urban development. The isolation of these areas, surrounded by urban development and adjacent to a major roadway, without connectivity to a larger open space, would lessen the long-term viability for protecting these areas – particularly where the species have not been documented in recent history.</p> <p>Therefore, the Reduced Development Footprint alternative has been rejected as infeasible and was eliminated from detailed consideration in this SEIR.</p> <p>As part of the SEIR for the proposed Project, consideration is given to modifying the development footprint to avoid areas where sensitive plant species occur or have been previously documented on the Project site, in particular, San Diego button-celery and variegated dudleya. Protection of these areas within the Project site was a focus of consideration for a Reduced Development Footprint alternative because these species require new mitigation beyond what was previously required for TM 5139 and mitigation that has already been accomplished. The Reduced Development Footprint alternative would create additional open space easements around areas where these</p>
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	<p>sensitive plant species were documented on the Project site in previous surveys in order to avoid or substantially lessen impacts to the species. The additional open space easement areas could be connected to the existing easement protecting the vernal pools south of Lone Star Road; however, there would not be a connection to the large Open Space Easement north of Lone Star Road, as it would be bifurcated by the road. Lone Star Road is a General Plan Mobility Element Road, and construction of that roadway is a requirement for development within the East Otay Mesa Business Park Specific Plan.</p> <p>In summary, a range of reasonable alternatives to the project which would feasibly attain most of the project objectives are included in the EIR. As discussed above, in order to feasibly attain the project objectives, the entire project site requires grading. Thus, the alternative recommended in the NOP letter would not feasibly attain the project objectives and has not been included in the EIR.</p> <p>F1/S1-8 MSCP Findings dated December 15, 2000, were prepared for the Sunroad Centrum project (TM 5139). The Wildlife Agencies' letter dated November 14, 2003 provided conditional concurrence for the Sunroad Centrum Minor Amendment. The Otay 250 Sunroad project would grade and develop the same area as compared to the previously approved Sunroad Centrum project, for which the prior MSCP findings and Minor Amendment received concurrence.</p> <p>For clarification, the MSCP Findings dated December 15, 2000, state that the Project Site is not within PAMA, but this is not the basis of the BRCA findings. As discussed in the MSCP Findings, approximately 60 acres of the Project site is a BRCA because it is underlain by clay soils that has the potential to support sensitive plant species, including San Diego button celery, variegated dudleya, San Diego barrel cactus, and spreading navarretia. The BRCA contributes to the wildlife corridor associated with Johnson Canyon. Project design minimizes impacts to the BRCA by: (a) developing the least environmentally sensitive section of the site (non-native grassland adjacent to development); and (b) preserving the higher value resources, designated as Major</p>
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	<p>Amendment Area, in the Open Space Easement (Lot 20 of the proposed Tentative Map) (vernal pools, approximately half of the mima mound area, native grassland, and the wildlife corridor of Johnson Canyon). As discussed in the Sunroad Centrum MSCP Findings, approximately 193 acres of the Project site are non-BRCA lands. As discussed above, because the Proposed Project is relying on the prior Minor Amendment and mitigation has been satisfied, the MSCP Findings dated December 15, 2000, are adequate.</p> <p>F1/S1-9The Project proposes an amendment to the East Otay Mesa Business Park Specific Plan to allow development of the Project site as a Mixed-Use Village Core area in accordance with the General Plan. The Proposed Project would grade and develop the same area that was approved under the Sunroad Centrum project (TM 5139), as well as the approved East Otay Mesa Business Park Specific Plan. Additionally, the proposed Project relies on, to the extent possible, the circulation network approved for the East Otay Mesa Business Park Specific Plan and TM 5139.</p> <p>A project EIR was certified for the East Otay Mesa Business Park Specific Plan in 1994, which included analysis of the impacts associated with development of industrial and commercial land uses on the Project site. Since that time, a change of circumstances not previously considered in the East Otay Mesa Business Park Specific Plan EIR has occurred – proposed development of the Project site with a mix of residential, industrial, and commercial land uses. Therefore, pursuant to CEQA Section 15163, an SEIR has been prepared to address changes in circumstances and to provide minor changes and additions to the previously certified EIR in order to make the previous EIR adequately apply to the proposed Project.</p> <p>Impacts have been evaluated in concert with the 1994 EIR, the Supplemental EIR for Sunroad Otay Industrial Subdivision/ Sunroad Centrum project (TM 5139RPL6, ER 98-19-013), and an Addendum to the previously certified Environmental Impact Report for East Otay Mesa Specific Plan (GPA 94-002, Log # 93-19-006) and Supplemental Environmental Impact Report for Sunroad Otay project (TM 5139RPL6, Log # 98-19-013) for the</p>
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	<p>Sunroad Otay Tech Centre (TM 5538) project (98-19-013B). The SEIR updates information included in those documents as appropriate for the proposed Project.</p> <p>Development on the Project site was clustered in 2000 for the Sunroad Centrum project. The footprint for the current proposed Project has not changed from what was approved with the Centrum project. Therefore, the Project remains clustered to the maximum extent possible.</p> <p>As stated in the MSCP Findings dated December 15, 2000, the development is concentrated away from the sensitive resources. Areas not proposed for development are placed in a Biological Open Space to be managed under the Resource Conservation Plan.</p> <p>Furthermore, the proposed development has designed open space that protects the viability of sensitive resources. All (0.21 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 1.96 acres of native grassland, and 46.87 acres of non-native grassland will be preserved onsite.</p> <p>F1/S1-10 The 1994 East Otay Mesa Specific Plan EIR and the 2000 Supplemental EIR for the Sunroad Centrum project (TM 5139) preceded the <i>2010 Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County</i> (Attachment A to the <i>County of San Diego Report Format and Content Requirements Biological Resources</i>). The certified 2000 SEIR states that the Sunroad Centrum project would result in impacts to non-native grassland; no burrowing owls were identified on the Sunroad Centrum project site. Mitigation for impacts to non-native grassland was implemented as discussed above in response to comment F1/S1-5. It should be noted that the 2010 Strategy states “In EOM, the burrowing owl strategy applies to all development sites that have not received written concurrence on their minor or major amendments from the Wildlife Agencies...” A Minor Amendment for the Sunroad Centrum project was approved in 2003; thus the 2010 Strategy does not apply.</p>
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<p>F1/ S1-10, (cont.)</p> <p>F1/ S1-11</p> <p>F1/ S1-12</p> <p>F1/ S1-13</p> <p>F1/ S1-14</p> <p>F1/ S1-15</p> <p>F1/ S1-16</p>	<p>Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 4</p> <p>of the project, whether or not the site is currently occupied. Additionally, the Wildlife Agencies advocate that since the site has been used by burrowing owls per the Burrowing Owl Survey Report dated June 2016, which shows the site being occupied by burrowing owls somewhere between 2012 and 2014 due to the presence of burrowing owl signs, the project should mitigate in a manner that benefits burrowing owls. Therefore, we recommend that mitigation measure M-BI-13 be revised accordingly. In addition to onsite avoidance, this could also include site enhancements to the already conserved grassland area, such as translocating squirrels and installing burrows. Also, M-BI-5 should include a condition that a burrowing owl translocation plan would be developed and approved by the County and Wildlife Agencies if owls are found during pre-construction surveys.</p> <p>We offer the following specific comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the MSCP and SAP.</p> <ol style="list-style-type: none"> 1. Our NOP comment letter stated that “The SEIR should address whether or not the construction footprint and areas of dedicated conservation have changed from the previously approved project. If any changes to the footprint have occurred, please show them clearly on a map and describe land uses within changed areas.” Although it appears that the location of the project boundary has not changed, the resources within have changed per the draft SEIR, most notably being the loss of CSS and associated species, as well as other species that were previously found onsite. The draft SEIR does not contain a map that shows the conversion of the areas that were previously mapped as CSS, and other habitat changes that have taken place since the 2000 FSEIR. Please include a map in the 2017 FSEIR that shows the habitat conversions. Also, please include Table 2-2 from the 2017 Biological Technical Report update to further illustrate the habitat changes that have occurred since earlier approved documents. Furthermore, it is not clear how long the CSS has had to recover since the fire date was not provided. We recommend updating mitigation measure M-BI-12n to require the CSS to be restored as part of the RCP. 2. In our NOP comment letter we requested updated surveys. Many sensitive species that are known within the project boundary or in East Olay Mesa require surveys during a year of adequate rainfall, plant expression, or adult flight season; these include vernal pool species such as San Diego button celery, San Diego and Riverside fairy shrimp, variegated dudleya, and Quino checkerspot butterfly (<i>Euphydryas editha quino</i>). Therefore, surveys done in years without adequate rainfall or species expression are inconclusive. The draft SEIR states, “As required by the 2003 USFWS Biological Opinion, wet season and dry season Riverside fairy shrimp surveys shall be conducted in 2016-2017.” In 2016-2017, rainfall was above average and would have been a suitable year to get more conclusive data. If surveys were conducted, an update to the Biological Technical Report with the relevant information should be submitted. If surveys were not conducted, please include a requirement that they be completed prior to construction. 3. The 2016 Quino survey report states that, “Although a medium density population of Quino larval host plant was identified onsite, no larvae or adults of the Quino checkerspot were identified during the 2016 protocol survey. Therefore, any proposed future development of the Sunroad Centrum 250 property will have no effect on the endangered Quino Checkerspot butterfly.” Please note that surveys done for other projects in the 	<p>F1/S1-11 M-BI-5 (pages S-19, 2.2-58, and 7-4), has been revised to include a requirement that a burrowing owl translocation plan be prepared, if owls are found during pre-construction surveys. (See Table 8-2.)</p> <p>F1/S1-12 The coastal sage scrub within the area previously mapped as a mosaic of coastal sage scrub, native grassland, and non-native grassland within the mima-mound area is no longer present. The coastal sage scrub was located generally in the mima mound area that occurs north (within the Biological Open Space) and south of future Lone Star Road This former coastal sage scrub-grassland was consumed by fire on or around May 3, 2013. The entire mima mound area is now vegetated with non-native grassland heavily infested with Russian-thistle. The approximate location of the burn area has been added to Figure 2.2.3, <i>Biological Resources</i>, and occurs within both the area proposed for development, as well as the BOS.</p> <p>F1/S1-13 Biological Technical Report Table 2-2 has been added to the SEIR as Table 2.2-3.</p> <p>F1/S1-14 As stated on page 2.2-50 of the SEIR, the previous coastal sage scrub-grassland matrix in the mima-mound area was consumed by fire on or around May 3, 2013. This area occurs within both the area proposed for development, as well as the BOS. The approximate date of the fire has been added to the SEIR (see table 8-2 above).</p> <p>F1/S1-15 Updated surveys have not been completed; however, the Final SEIR includes mitigation measures which require surveys for San Diego button celery, San Diego and Riverside fairy shrimp, and variegated dudleya prior to grading or other ground disturbance. A condition of approval will require Quino checkerspot butterfly surveys prior to grading or other ground disturbance; see response to comment F1/S1-16 below.</p> <p>F1/S1-16 As stated in the SEIR, no Quino Checkerspot Butterfly (QCB) critical habitat occurs on-site; the closest critical habitat is located approximately 1,300 feet north and west of the Project boundary. A protocol survey was conducted in 1999 over the northern mima</p>
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	<p>mound area. In the 1999 survey, no QCB were detected, and the primary host plant, dot-seed plantain, was not found on-site. In 2001, QCB surveys were conducted again; no QCB were detected. The 2001 report concluded “in that neither larvae nor adults of the QCB were identified during the protocol survey; and, only an extremely limited population of food plants suitable for the QCB were identified within the boundaries of the property, it would appear that development of the Sunroad Centrum Property will have no effect on the endangered Quino Checkerspot Butterfly.” In 2015 and early 2016, primary host plant dot-seed plantain was found on-site where vegetation was recolonizing the disturbed Lone Star Road alignment. Nectar plants, including common goldfields (<i>Lasthenia gracilis</i>), were also observed. Based on the presence of dot-seed plantain, a third protocol survey was conducted in March 2016. Results of the survey were negative for QCB. The 2016 report concluded “although a medium density population of a Quino larval host plant was identified on-site, no larvae nor adults of the Quino Checkerspot were identified during the 2016 protocol survey.</p> <p>Although there are no potentially significant impacts associated with Quino checkerspot butterfly, as a precautionary approach the Applicant has committed to the following condition of approval:</p> <p>Within one year of construction, surveys for Quino checkerspot butterfly shall be conducted prior to grading or other ground disturbance in accordance with the most up to date protocol. If Quino checkerspot butterfly are found, the applicant shall consult with the USFWS to ensure there is no take of the species. The Project Biologist shall prepare the survey report and submit it to the PDS and USFWS. Timing: Prior to grading or other ground disturbance. Monitoring: PDS shall review the survey report for compliance with this condition.</p>
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<p>F1/ S1-16 (cont.)</p> <p>F1/ S1-17</p> <p>F1/ S1-18</p> <p>F1/ S1-19</p> <p>F1/ S1-20</p> <p>F1/ S1-21</p>	<p>Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 5</p> <p>vicinity and other reference sites throughout the County show that 2015 and 2016 did not have sufficient Quino adult activity to support a negative finding for Quino presence. However, many areas that were recorded as unoccupied in 2016 were found to be occupied in 2017; therefore, surveys done in 2015 and 2016 should not be considered conclusive. The County does not have incidental take coverage for this species under their approved SAP. Therefore, we recommend that Quino surveys are conducted prior to construction in order to demonstrate that the project site is not occupied by this species. Avoidance measures should be incorporated to ensure that no impacts to Quino checkerspot occur if they are found to be present prior to construction; this includes avoidance of larval host plants. If impacts cannot be avoided, the applicant will need to contact the Service to address potential incidental take of the butterfly. In addition, the restoration plan for the onsite open space should include the host plant for Quino (i.e., <i>Plantago erecta</i>) and a variety of nectaring species in the seed mix.</p> <p>4. M-BI-4 discusses the mitigation for variegated dudleya. Surveys must be done in a year with adequate plant expression at a reference site, or the 2012 Addendum for the 2000 SEIR condition for the project to provide offsite mitigation for 80 variegated dudleya plants should still apply.</p> <p>5. The SEIR should address direct and indirect impacts of the change in use from industrial to mixed use, and the incorporation of residential uses. Although the document addresses some of these aspects, it does not demonstrate avoidance, minimization, and mitigation of the potential impacts. Measure M-BI-12a notes that “In addition, the RCP would require fencing around the entire open space preserve easement to discourage trespassing and illegal dumping.” The Biological Technical Report 2017 update mentions that a “a 3-strand wire fence shall be installed along the eastern and western edges of the open space area for a distance of 200 feet north of fencing along Lone Star Road, to deter trespassers without blocking wildlife use.” A three-strand wire fence is not sufficient to deter trespass and off road vehicle use. Fencing should surround the entire open space, and be sturdy enough to prevent cutting, but should still allow for wildlife passage. An example of appropriate fencing to block off road vehicle use would be a steel barrier similar to that used on Proctor Valley Road south of SR 94. The RCP should also contain sufficient provisions for enforcement of trespass and illegal use in the Biological Open Space.</p> <p>6. We recommend that Measure M-BI-12c be revised to prohibit residences as well as the streetscapes and industrial areas from using invasive plant species.</p> <p>7. The RCP is referenced in various locations in the draft SEIR; however, it is unclear whether the applicant is required to update the RCP to reflect current conditions and requirements. The RCP should be updated to be consistent with current standards, conditions, and San Diego Monitoring and Management Program guidance. For example, Appendix A of the RCP, the Harvest Road Property, Eastern Otay Mesa, County of San Diego, California Fairy Shrimp Translocation and Five Year Monitoring Plan states “The upland control area is the Kenyon Trust Pools (J-23 Complex) managed by The Environmental Trust (TET) (REC Figure 8),” which is no longer a viable reference site option as TET is now defunct. Furthermore, the draft SEIR states that the “The southern vernal pool would be managed as a part of the larger vernal pool complex within the Open Space Easement (Lot 20 of the proposed Tentative Map) to the north. Integrated</p>	<p>F1/S1-17. The Resource Conservation Plan (RCP) approved in 2003 will not be revised; however, a condition of approval will require that the seed mix for restoration of the onsite open space include <i>Plantago erecta</i> and a variety of nectaring species.</p> <p>F1/S1-18 As shown in Table 8-2, M-BI-4 has been expanded in the SEIR (page 2.2-56) to require that variegated dudleya surveys be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants. If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required.</p> <p>F1/S1-19 The SEIR concludes that the Project could cause indirect impacts to preserved land in open space through increased human access; increasing competition from exotic species; and alteration of natural drainage (in particular impacting vernal pool hydrology). These indirect impacts are potentially significant and would require mitigation (Impact BI-12). Indirect impacts to preserved land in open space through increased human access would be mitigated to below a level of significance with mitigation measure M-BI-12, as specified in Section 2.2.5 of the SEIR.</p> <p>According to the approved RCP (Section 5.0, page 23):</p> <ul style="list-style-type: none"> • The southern boundary of the open space area north of Lone Star Road and the vernal pool to the south of Lone Star Road will be fenced using a 4-foot temporary fence installed prior to any clearing or grubbing on the Project site. • The open space area along Lone Star Road (to the north of the easement dedicated for construction of Lone Star Road) shall be fenced with permanent four-foot chain-link fencing. • In addition to the fencing along Lone Star Road, a 3-strand wire fence will be installed along the eastern and western edges of the open space area for a distance of 200 feet remaining open space boundary. • Four-foot chain-link fencing for the vernal pool south of Lone Star Road shall be placed around the perimeter of the vernal pool’s watershed.
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<p>F1/ S1-21, (cont.)</p> <p>F1/ S1-22</p> <p>F1/ S1-23</p>	<p>Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 6</p> <p>management of the southern pool with the rest of the vernal pool complex would ensure the long term viability of this pool and associated plant populations.” Yet the RCP document does not discuss how the southern pool will be hydrologically connected to the northern pools, which may be an important factor in keeping the populations genetically connected to reduce the potential of inbreeding depression in the southern pool. A hydrological study of the watershed supporting this pool should be completed as part of the update to the restoration plan to ensure that this pool will remain viable. The current RCP and associated translocation plans should be updated to current standards and conditions as part of M-BI-12n, which states that RCP must be completed prior to initiation of construction. We recommend that the RCP and any associated restoration plans be updated and submitted to the Wildlife Agencies for review and approval prior to project construction.</p> <p>8. Page 11 of the draft SEIR discusses spreading navaretia (<i>Navarretia fossalis</i>) but shows an inconsistency in the species name and observation data described in the document that needs to be clarified. For instance, the document refers to the plant as both spreading navaretia and prostrate navaretia (<i>Navarretia prostrata</i>), which are different species. The document also in one paragraph says, “During the 1991 County of San Diego surveys approximately 12 individuals were detected in the J22 vernal pool complex north of Lone Star Road. It has not been documented on-site since that time.” The following paragraph states that it has not been seen since 1979. Since there is the potential for the seeds to be stored in the seed bank, management for this species should be included in the RCP.</p> <p>9. Mitigation Measure M-BI-8 for white-tailed kite (<i>Elanus leucurus</i>) states, “Mitigation requirements for the loss of foraging habitat and potential breeding habitat for white-tailed kite (BI-8) would be met by requiring a qualified biologist to monitor the construction area for suitable nesting habitat (e.g., trees) in the vicinity of construction during the breeding season. The RCP would require that a ‘construction-free zone’ be created around any identified nesting sites until fledging has occurred. The biologist would coordinate with County staff during the monitoring efforts to determine the size of any required construction zone.” The white-tailed kite is a State Fully Protected species Under Fish and Game section 3511, and no take of individuals is allowed. If white-tailed kite is found nesting within the project area during pre-construction surveys, please notify the Department for recommendations to help avoid any potential impacts.</p> <p>We appreciate the opportunity to comment on this draft SEIR. If you have questions or comments regarding this letter, please contact Elyse Levy of the Department at (858) 467-4237, or Susan Wynn of the Service at (760) 431-9440 extension 216.</p> <p>Sincerely,</p> <p>DOREEN STADTLANDER For Karen Goebel Assistant Field Supervisor U.S. Fish and Wildlife Service</p> <p>Digitally signed by DOREEN STADTLANDER Date: 2017.05.08 15:12:23 -07'00'</p>  <p>Gail K. Sevrens Environmental Program Manager California Department of Fish and Wildlife</p> <p>cc: State Clearinghouse</p>	<p>These measures have been implemented as part of the RCP. The fencing provisions of the RCP will discourage trespassing and illegal dumping. Signs, in English and Spanish, will be posted every 100 feet along the permanent fencing, stating that any persons found vandalizing or trespassing shall be prosecuted to the full extent of the law. Signs shall also provide information as to why access to the site is restricted, as well as the contact number for both the biological monitor and maintenance contractor so that vandalism or suspicious activity can be reported. The County will be responsible for enforcing trespassing and illegal uses. Additionally, as requested in this comment, mitigation measure M-BI-12 has been revised to require installation of a sturdy fence to prevent access into the western, northern, and eastern edges of the northern Open Space Easement (Lot 20 of the proposed Tentative Map).</p> <p>F1/S1-20 According to the East Otay Mesa Business Park Specific Plan, “[d]rought tolerant, non-invasive, and fire-wise landscaping is required throughout East Otay Mesa.” The County has no control over what private homeowners may plant in their private yards; however, the landscaping plan for common open space will require drought tolerant, non-invasive, and fire wise landscaping.</p> <p>F1/S1-21 As described in response no. F1/S1-5, the Project is not required to update the Resource Conservation Plan (RCP). The RCP received Director approval December 2003. In a letter dated November 14, 2003, the Wildlife Agencies provided conditions concurrence for the Sunroad Minor Amendment, provided certain conditions are met, including the approval of a RCP.</p> <p>The RCP (pages 34 – 35 and Appendix F) addresses integrated management of the southern pools with the vernal pool complex within the Biological Open Space (BOS) and includes removal of non-native species, repairs to fencing and signage, trash removal, monitoring of the vernal pool complex twice a year, visual estimate of exotic plant species cover and vernal pool species cove twice a year, and examination of the health of the pools in terms of increase of vernal pool plant species cover. If monitoring findings reveal a decline in the health of the vernal pool complex, an analysis of the cause(s) of failure shall be prepared and, if</p>
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	<p>determined necessary by the County, remedial action will be recommended. Remedial actions may include revising the maintenance schedule, thereby increasing weeding and monitoring frequency or the preparation of a vernal pool enhancement program that might include additional plantings or restoration activities. The RCP does not state that the pools should be hydrologically connected. In fact, this is not possible as a future County Circulation Element roadway (Lone Star Road) will separate the BOS from the southern pools.</p> <p>F1/S1-22 Revisions have been made to the SEIR (pages 2.2-6, 2.2-9, 2.2-11, 2.2-31) to change references to “prostrate” navarretia to spreading navarretia and to change the reference date to 1991. (See Table 8-2.)</p> <p>Spreading navarretia is known from just three areas within the County including San Marcos, National City, and Otay Mesa. During the 1991 County of San Diego surveys approximately 12 individuals were detected in the J22 vernal pool complex north of Lone Star Road. It has not been documented on-site since that time. Furthermore, because spreading navarretia has not been reported on-site since the 1991 vernal pools survey, it is unlikely to have high potential to occur on-site. Therefore, the County has determined that updates to the RCP are not necessary.</p> <p>F1/S1-23 M-BI-8 (page 2.2-58) has been revised (see Table 8-2) to require that notification be sent to the County and wildlife agencies, if white-tailed kite is found nesting within the Project area during pre-construction surveys.</p>
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