



U.S. FISH AND WILDLIFE SERVICE  
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CALIFORNIA DEPARTMENT OF  
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South Coast Region  
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In Reply Refer to:  
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Governor's Office of Planning & Research

July 10, 2019  
*Sent by Email*

Ms. Ann Dolmage  
Associate Planner  
City of Escondido  
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Escondido, California 92025  
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**JULY 10 2019**

**STATE CLEARINGHOUSE**

Subject: Comments on the Draft Environmental Impact Report for the Nutmeg Homes Residential Project, City of Escondido, San Diego County, California (SCH #2018081063)

Dear Ms. Dolmage:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (Department) —collectively, the Wildlife Agencies— have reviewed the draft Environmental Impact Report (DEIR) for the Nutmeg Homes Residential Project (Project), received on May 8, 2019. The Wildlife Agencies previously commented on the Notice of Preparation (NOP) for the project in letters dated October 1, 2018 (FWS-08B0480-18CPA0359), and September 24, 2018. Our comments and recommendations are based on the information provided in the DEIR and associated documents; our knowledge of sensitive and declining vegetation communities in San Diego County; and our participation in the Multiple Habitat Conservation Program (MHCP) and the City of Escondido's (City) draft MHCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(I) of the Act.

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

The Department is also a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). The Department may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the project may be subject to the Department's lake and streambed alteration regulatory authority. (Fish & Game Code, § 1600 *et seq.*) Likewise, to the extent implementation of the project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required.

The Department also administers the Natural Community Conservation Planning (NCCP) program. The City previously participated in the NCCP and the Service's HCP programs through the development of its draft SAP. However, the City has not worked on its draft SAP since at least 2014 and since then has not been eligible for the gnatcatcher section 4(d) process.

The proposed project is located in the northern portion of the City, along both sides of North Nutmeg Street, between Interstate 15 (I-15) and North Centre City Parkway. The project proposes a General Plan Amendment to the Land Use Element, a Rezone, and a Master Development Plan for 137 attached townhomes on a 9.86-acre site straddling Nutmeg Street (Table 1). The portion of the site to the north of Nutmeg Street would be developed with 39 homes, and the portion to the south would be developed with 98 homes. Access to both the northern and southern portions of the project would be via a single driveway entrance on Nutmeg Street.

**Table 1. Project Site Acreage**

PARCEL	PARCELS/LOCATION	ACRES
<b>Nutmeg Homes Development</b>		
Southern	South of Nutmeg Street	4.37
Northern	North of Nutmeg Street	2.33
<i>Subtotal</i>		<b>6.70</b>
Centre City Right-of-Way	South of Nutmeg Street	0.80
Centre City Right-of-Way	North of Nutmeg Street	0.16
<i>Subtotal</i>		<b>0.96</b>
<b>Total Project Site</b>		<b>7.66</b>
<b>Off-Site Impacts</b>		
Caltrans Right-of-Way		1.29
Nutmeg Right-of-Way		0.34
Centre City Right-of-Way*		0.57
<i>Off-Site Subtotal</i>		<b>2.20</b>
<b>TOTAL IMPACTS</b>		<b>9.86</b>

Source: Vista Community Planners

\* Does not include Centre City Right-of-Way used by project for development.

The southern portion of the project site was subject to a previous stop work notice issued by the City on August 2, 2006, for unpermitted clearing of 2.9 acres of coastal sage scrub (CSS)/chaparral, 0.67 acre of southern mixed chaparral, and 0.55 acre of non-native grassland that were likely

occupied by the coastal California gnatcatcher [*Polioptila californica californica*; gnatcatcher] Pacific Southwest Biological Services 2006]. The City coordinated with the Wildlife Agencies on a resolution that led to the conservation of 8.7 acres of gnatcatcher-occupied CSS in an area now included in the Red Mountain Conservation Bank. Mitigation for impacts to 0.67 acre of southern mixed chaparral and 0.55 acre of non-native grassland was purchased from the City's Daley Ranch Mitigation Bank.

The proposed project will impact an additional 5.74 acres of habitat requiring mitigation, including 3.56 acres of CSS (Table 2). The Project Applicant proposes to mitigate project impacts through the purchase of off-site suitable habitat within a City-approved mitigation bank (e.g., Daley Ranch Conservation Bank).

**Table 2. Existing and Impacted Habitat**

Plant Community	Acreage*	Impacts	Previously Addressed	Impacts Requiring Mitigation	Mitigation Required (ratio)**
Southern Mixed Chaparral	1.78	1.78	0	1.78	1.78 (1:1)
Coastal Sage Scrub	3.56	3.56	0	3.56	7.12 (2:1)
Non-Native Grassland	4.27	4.27	4.12***	0.15	0.08 (0.5:1)
Coast Live Oak Woodland	0.25	0.25	0	0.25	0.50 (2:1)
<b>TOTAL</b>	<b>9.86</b>	<b>9.86</b>	<b>4.12</b>	<b>5.74</b>	<b>9.48</b>

\* Includes 2.2 acres impacted by fuel modification zone within the Caltrans and Center City Parkway ROW.

\*\* Mitigation ratio for impacts per Draft Escondido Subarea Plan, Table 5-2.

\*\*\* Within area previously mitigated for unauthorized impacts to 2.9 acres of coastal sage scrub, 0.67 acre of southern mixed chaparral, and 0.55 acre of non-native grassland.

A portion of the northern parcel is in designated critical habitat for the gnatcatcher (Service 2007). Gnatcatcher surveys of the project site in 2017 were negative (Everett and Associates 2017). However, only three surveys were completed, which is the protocol that applies only for jurisdictions eligible for the gnatcatcher 4(d) process. Therefore, we recommend that updated full protocol-level surveys (i.e., six or nine surveys) be conducted for gnatcatcher at the project site. If gnatcatchers are detected in or adjacent to the project footprint, potential impacts to this species may be addressed through either section 7 (including gnatcatcher critical habitat if there is a federal nexus) or section 10 of the Act.

The DEIR includes a Fire Protection Plan with less than the standard 100-foot fuel modification zone in some areas. The FEIR should include documentation that the Fire Marshall approves this reduction from the standard 100-foot fuel modification zone.

The DEIR states that the project will not impact wildlife movement. However, the project site is likely part of a stepping stone corridor along the I-15 for gnatcatcher. In addition, the northern portion of the project north of Nutmeg Street is mapped as a softline area in Figure 4-1 of the draft SAP. As outlined in section 4 of the draft SAP, softline areas include conservation targets between

50 and 80 percent. In our NOP comment letters, we recommended that the DEIR include alternatives that provide levels of conservation from at least 50 to 80 percent of the portion of the project site north of Nutmeg Street. However, the DEIR does not include recommended alternatives and the proposed project would impact the entire northern portion of the project site. Therefore, we recommend that the FEIR include and adopt an alternative that conserves between 50 to 80 percent of the northern portion of the project site. This would help the project site to remain part of the likely gnatcatcher stepping stone corridor along the I-15.

We offer our comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts. We appreciate the opportunity to comment on this DEIR. We are hopeful that further consultation between you and us will ensure the protection we find necessary for the biological resources that would be affected by this project. If you have questions or comments regarding this letter, please contact Janet Stuckrath of the Service 760-431-9440 or Eric Hollenbeck of the Department 858-467-2720.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

Gail K. Sevens  
Environmental Program Manager  
California Department of Fish and Wildlife

cc:  
State Clearinghouse

### LITERATURE CITED

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- Pacific Southwest Biological Services, Inc. 2006. Nutmeg Street violation, City of Escondido, San Diego County, California, coastal California gnatcatcher survey. 8pp.
- [Service] U.S. Fish and Wildlife Service. 2007. Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher. Federal Register 65 FR 63679.