



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

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In Reply Refer to:
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May 9, 2023
Sent Electronically

Scott Sandel
Park Designer
City of San Diego Planning Department
9485 Aero Drive, MS 413
San Diego, California 92123

Subject: De Anza Natural Amendment to the Mission Bay Park Master Plan and De Anza Natural Amendment to the Mission Bay Park Master Plan Program Environmental Impact Report

Dear Scott Sandel:

The U.S. Fish and Wildlife Service (Service) is writing in response to the City of San Diego's (City) Draft Amendment to the Mission Bay Park Master Plan (Amendment) and Draft Program Environmental Impact Report (PEIR) for the De Anza Natural Amendment to the Mission Bay Park Master Plan. We received two extensions to provide comments, the first until May 4th by Jordan Moore with the City Planning Department and the second until May 11th by Rebecca Malone, Program Manager, Environmental Policy. The Service appreciates the City's flexibility and the additional time. Our comments and recommendations are based on our knowledge of sensitive and declining vegetation communities and species in Mission Bay, the Mission Bay Master Plan Update (Master Plan), the City's Multiple Species Conservation Program (MSCP) Subarea Plan (SAP), the Mission Bay Park Natural Resource Management Plan (NRMP), and our participation on the Wetlands Working Group and Scientific and Technical Advisory Committee for the ReWild Mission Bay Project.

The Service previously provided comments to the City concerning the Amendment and other similar projects in the same area with different names (i.e., De Anza Revitalization Plan, De Anza Cove Amendment to the Mission Bay Park Master Plan) in letters dated December 7, 2016, August 10, 2017, July 11, 2018, and February 16, 2022. We are reiterating our prior comments and recommendations that were not addressed in the Amendment or the PEIR.

The mission of the Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. Consistent with our mission, we have been working with partners to improve conditions for habitat, wildlife, and the human community in northeast Mission Bay. Within the project area, the Service provided funding and technical assistance to San Diego Audubon for the ReWild Mission Bay: Wetlands Restoration Feasibility Study Report (ReWild Feasibility Study) and to San Diego Earth Works

and University of California Reserve System for their Transition Zone Habitat Restoration Project at the Kendall-Frost Marsh Reserve. The Service also has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States, and is 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)(1) of the Act. The City participates in the HCP program by implementing its approved SAP.

Project Location

The project area is at the northeast corner of Mission Bay Park in the City. Land uses in the Amendment area include Kendall-Frost Marsh Reserve/Northern Wildlife Preserve (Preserve); a private resort for recreational vehicle (RV) and tent camping operated by Campland on the Bay (Campland); athletic fields, tennis courts, golf course, and the De Anza Cove area, which includes the De Anza Special Study Area identified in the Master Plan. The Preserve consists mostly of saltmarsh wetland and is in the far west corner of the Amendment area, bordered on the west and north by residential development and roadways, on the east by Campland, and on the south by Mission Bay. Campland is located between the Preserve and Rose Creek and is on City-owned land. North Mission Bay Drive bisects the project area east of Rose creek with the De Anza Cove area to the south and active recreational areas to the north. The De Anza Cove area consists of open water, a vacant mobile home park and supporting infrastructure (e.g., roads, utilities, parking lots, and driveways), an RV resort (Mission Bay RV resort) also operated by Campland, a public park, beach, and parking area. Current active recreational areas include the tennis club, athletic fields, and golf course.

Project Description

The proposed project is the Amendment to the Master Plan to expand natural habitat and improve water quality; enhance the existing Regional Parkland by providing a variety of uses, including low-cost visitor guest accommodations (recreational vehicles and other low-cost camping facilities); and active and passive recreational opportunities. The Amendment will adopt the De Anza Natural alternative which includes the following components: 86.8 acres Preserve;¹ 140.5 acres of restored marshland west and east of Rose Creek; 60.1 acres of active recreational facilities including lighted fields and courts, a shared clubhouse and parking for land-based recreation (e.g., tennis, sand volleyball, walking, cycling, and inline/roller skating), and boat facility; 37.4 acres of upland and buffer area accommodating passive recreation amenities such as overlooks, multi-use pathways, picnic areas, and signage. Project components also include 48.5 acres of low-cost visitor guest accommodations east of Rose Creek including camping sites for RVs, cabins, eco-friendly accommodations, and associated open space and facilities consistent with camping accommodations; 26.3 acres of Regional Parkland including multi-use paths, open green, a nature interpretive center, children's play areas, parking, restrooms and picnic shelters; and 5.5 acres of open beach at the northern and western edges of De Anza Cove adjacent to open

¹ The project description in the PEIR does not call out the 86.8 acres in the Preserve separate from the 140.5 acres of restoration.

water designated for non-motorized boat use. Water quality design features are proposed along the edges of the active recreation areas to capture and treat storm water before it flows into Mission Bay. Parking lots, vehicle, bicycle and pedestrian access routes are proposed from North Mission Bay Drive, Pacific Beach Drive, and Grand Avenue.

The PEIR evaluates the Amendment and its associated adoption of De Anza Natural alternative and the following three other alternatives: Enhanced Wetlands/Optimized Parkland, Resiliency Optimized, and Wetland Optimized. The PEIR evaluates the Wetlands Optimized Alternative at the same level as the analysis of De Anza Natural alternative per the City Supplemental Environmental Project per the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2020-0150 (SEP). The PEIR identifies the Enhanced Wetlands/Optimized Parkland Alternative as the environmentally superior alternative.

The Service has reviewed the Amendment and the PEIR and appreciates that the De Anza Natural and three other alternatives in the PEIR include restoration of a combination of wetland and upland habitat within existing developed area west of Rose Creek contiguous with existing habitat at the Preserve and Rose Creek, east and adjacent to Rose Creek, and within De Anza Cove. The habitat restoration in the Amendment area, along with the wetland restoration proposed on north Fiesta Island, will help achieve the environmental goals of the Master Plan and NRMP.

Our comments address both the Amendment and the PEIR. Our main concern is that the proposed Amendment for the De Anza Natural alternative reduces the environmental goals of the Master Plan. We believe the ReWild Wildest Alternative is the best alternative to achieve the environmental goals of the Master Plan and request that it be adopted instead of the De Anza Natural alternative. We are also concerned that the PEIR lacks the detail necessary to evaluate the potential impacts and benefits of the alternatives. We request that the City address our comments and that the Wildlife Agencies have an opportunity to review and comment, if necessary, on the revisions prior to the finalization of the Amendment and PEIR.

We provide additional details on our comments and concerns on the Amendment and PEIR below:

Meeting the Environmental Goals of the Master Plan and NRMP

The City's SAP relies on the Master Plan to fulfill its environmental goals for Mission Bay and states that lands in the City will be managed pursuant to existing Natural Resource Management Plans, including the Mission Bay NRMP. In addition, the City developed the Biology Guidelines to ensure that the biological goals and objectives of the SAP are met. The environmental goals of the Master Plan and NRMP were established to help offset the historic loss of coastal wetlands, which has continued since these plans were completed. Therefore, consistent with our mission, we continue to urge the City to approve an amendment that meets the environmental goals of the Master Plan and NRMP.

Environmental Goals in the Master Plan include expansion of habitat areas for sensitive species and adequate buffers to protect sensitive environmental resources from incompatible land uses

(Master Plan, Appendix 1, Environmental Goal 2, p. 8). To fulfill this goal, the Master Plan specifically recommends establishing 80 acres of wetland at the outfall of Rose Creek and a potential upland habitat preserve on De Anza Point (Master Plan pp. 21, 33, 42, and 93). Northeast Mission Bay is currently the best location to establish extensive wetlands because it is located at the mouth of a creek and is contiguous with existing marsh. As stated in the Master Plan, “Mission Bay Park’s success or failure hinges on clean water,” and all measures that can “improve the vitality and health of the Bay waters should be explored and implemented as a priority” (Master Plan p. 84). The Master Plan states that the primary consideration for the De Anza Special Study Area is how it contributes to the Park’s water quality and that wetlands creation must be considered (Master Plan p. 53). The NRMP also supports an expansion of salt marsh within the 15-acre Campland lease area because “such an expansion would broaden the base for all of Mission Bay Park’s natural resources in the face of urban pressure and future threat of rising sea level” and identifies the expansion as a high priority (NRMP p. 43). The greater acreage of wetlands established at the mouth of Rose Creek, the better water quality for Mission Bay. A Feasibility Study found that construction of a 100-acre marsh at the mouth of Rose Creek could provide water quality benefits for average storm peak flows, while increasing the area of wetlands beyond the 100 acres would further benefit water quality (Master Plan, Appendix B-1). Study concepts in the Master Plan included creation of marsh on both sides of Rose Creek and within the De Anza Peninsula.

The Service considers the ReWild Wildest Alternative, which was considered but eliminated in the PEIR without being fully analyzed, as an environmentally superior alternative that is consistent with the environmental goals of Master Plan. Therefore, consistent with our mission, we recommend it be adopted by the Master Plan.

A complete analysis of the ReWild Wildest Alternative is available in the ReWild Feasibility Study and could be incorporated into the final PEIR with little additional analysis. The ReWild Feasibility Study received input from a Scientific and Technical Advisory Committee consisting of scientists, regulators, and City resource planners and managers, as well as the public, so the information contained in this study has been well-vetted and includes a level of analysis, such as the anticipated effects of sea level rise, that was not provided for the alternatives carried forward in the PEIR (see subheading: *Lack of Evaluation of Sea Level Rise*).

Although the Service strongly supports inclusion of the ReWild Wildest Alternative in the PEIR and its selection as the environmentally superior alternative, the Wetland Optimized Alternative in the PEIR could also meet the goals of the Master Plan provided it can be demonstrated that impacts associated with the placement of fill within and adjacent to the Preserve are minimized (see subheading *Modifications to Avoid and Minimize Impacts to Habitat and Wildlife*) and modeling is conducted to demonstrate that more than 80 acres of low-, mid-, and high-elevation salt marsh and associated uplands will exist in 2100 in light of projected sea level rise.

Both the Wetland Optimized and the ReWild Wildest Alternative would be consistent with our prior recommendations to maximize habitat restoration and restore contiguous habitat across the De Anza peninsula thus maximizing habitat for wildlife, benefitting water quality, and increasing carbon sequestration. They are also consistent with the Master Plan designation of Habitat Oriented

Recreation/Preservation, which is meant to support wetland (defined as a combination of mudflat, wetland, and uplands in the Master Plan) and upland habitats (Master Plan, p. 33), throughout the 'foot' of the De Anza 'boot' contiguous with the habitat to be restored at Campland. The federally and state listed endangered and fully protected light-footed Ridgway's (=clapper) rail [*Rallus obsoletus* (=longirostris) *levipes*; Ridgway's rail] and California least tern [*Sternula antillarum browni* (*Sterna a. b.*); least tern], threatened western snowy plover [*Charadrius nivosus nivosus* (*C. alexandrinus n.*); snowy plover], and the state listed endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), as well as numerous migratory birds, use the Preserve and Mission Bay for nesting, and/or roosting, and foraging. Maximizing habitat will expand habitat for these sensitive avian species. Maximizing wetland restoration will also help improve the poor water quality conditions at De Anza Cove (Master Plan, Appendix B-3) and expand the amount of salt marsh, which is very effective at sequestering carbon that would otherwise contribute to climate change.

Overall, the Service strongly recommends that the Amendment adopt an alternative that is consistent with the Master Plan and places development outside the peninsula and foot of De Anza Point because such development would fragment and introduce edge effects to existing and restored habitats. The land cover facilities associated with RV camping and Regional Parkland will also negatively affect water quality by introducing fertilizers, trash, lighting, and noise into the environment.

Lack of Details Necessary to Assess Potential Biological Impacts and Benefits from the Project Alternatives

The PEIR lacks details necessary to assess potential biological impacts and benefits from the alternatives. In addition, the PEIR defines habitats differently than the Master Plan, and the PEIR defines habitat differently for existing conditions and proposed conditions. The Master Plan identifies wetlands as a combination of mudflats, wetlands, and upland habitats. The PEIR provides a total acreage for existing wetland habitats that includes salt marsh, disturbed wetland, freshwater marsh, flood channel, marine habitat, eelgrass beds, and salt panne. Similarly, a total acreage is provided for existing upland habitats that include southern foredunes, Diegan coastal sage scrub, non-native grassland, disturbed, and developed. In contrast, the proposed habitat provided in the PEIR are in the following broader categories: total expanded marshland, which lumps together high-, mid-, low-[elevation] salt marsh areas, mudflats, and subtidal habitats; Preserve; total uplands, which lumps together dunes, sages, and buffer; open water; and beach. Because of the above, it is difficult to evaluate changes in habitat prior to and after implementation, and whether the alternatives meet the environmental goals of the Master Plan and NRMP.

Based on review of the PEIR, the merits of each alternative with respect to wetland restoration remain unclear despite the acreage information summarized in Tables and Figures 3 through 3-4 showing anticipated uses in the Amendment area. Table S-1 through S-3 of the PEIR, for example, provide an overview of acreages allocated to various land uses, recreation, and restoration proposed in the vicinity of De Anza Cove, but do not quantify the types of wetlands (low-elevation, mid-elevation, and high-elevation salt marsh, mudflat) anticipated. This information is necessary

to evaluate each alternative's "incorporation [of] climate adaptation strategies to increase resilience to climate change and mitigate sea level" (Project Objective #3; PEIR Section 3.2) and assess the extent to which the project "restor[es] and safeguard[s] natural habitats in De Anza Cove" (Project Objective #4; PEIR Section 3.2). Although restoration details are not available at the program level, an estimate of projected marsh zone acreages would facilitate an objective evaluation of project alternatives.

The project description of the PEIR states that the project proposes enhancement and restoration of a total of 140.5 acres including a combination of mudflat, wetlands, and uplands habitats (Section 3.3.1.1) within the Preserve, including the area currently occupied by Campland. However, this acreage total conflicts with Table 3-2 Proposed Land Use Acreages of the Project Description (PEIR, p. 3-7) in which the Expanded Marshland/Habitat accounts for 140.5 acres comprised of 30.7 acres of expanded wetland in areas currently occupied by Campland and approximately 109.8 acres of new wetland but does not include the Preserve acreage. The Preserve acreage of 86.8 acres is reported separately (PEIR, Table 3-2). Open water accounts for 95.9 acres (PEIR, Table 3-2). Furthermore, the PEIR does not clearly explain which category—open water or wetland—accounts for eelgrass habitat. The final PEIR should clarify these acreages.

As stated in our previous letters, to address these issues the PEIR should include tables and figures documenting the existing distribution and acreage of different habitat types (open water, mudflats, low-elevation salt marsh (cordgrass), mid- and high-elevation salt marsh, wetland-upland ecotone, dunes, coastal sage scrub, and maritime succulent scrub) and project elements (hardened shorelines, impervious surfaces for camping, RV camping areas, tent camping areas, camp amenities, parking, and circulation elements) and well as for immediately post-project implementation and with projected sea level rise in years 2050, 2075, and 2100. The final PEIR should also clarify how these habitat types relate to those in the Master Plan.

The final PEIR should also clearly identify impacts from each project component (e.g., habitat restoration, hardened shorelines, impervious surfaces for camping, RV camping areas, tent camping areas, camp amenities, parking, and circulation elements). Overall, in light of the historic loss of wetlands and environmental goals of the Master Plan and NRMP, the Service recommends that impacts to wetlands or waters be limited to habitat restoration that is demonstrated to result in a net environmental benefit.

Lack of Evaluation of Sea Level Rise

The PEIR lacks an adequate evaluation of potential effects from projected sea level rise on the project alternatives. We note that the City's application to the California Regional Water Quality Control Board for the SEP specifies that the PEIR include an alternative that "would maximize implementable wetland restoration reflective of existing feasibility studies for Mission Bay and will provide diverse beneficial uses. This alternative would result in the establishment of 80 acres of additional functional wetlands (low-mid-high wetland/salt marsh and mudflats), in addition to the Kendall-Frost Marsh/Northern Wildlife Preserve, at the Year 2100" (City of San Diego, California Regional Water Quality Control Board San Diego Region Revised Project Application

Form for Northeast Mission Bay Wetlands Restoration, dated June 25, 2020). The PEIR does not provide sufficient data on the distribution of habitat immediately post-project implementation and with sea level rise to confirm compliance with the SEP.

As stated in our previous letters, the final PEIR should include an evaluation of the potential effects of sea level rise on the existing and proposed habitat areas for the project area and all of Mission Bay and the effects of human measures to address sea level rise. For this, the City could utilize the ReWild Feasibility Study as a model sea level rise analysis to be applied to the alternatives in the final PEIR. The ReWild Feasibility Study indicates that the distribution of existing wetlands will decline significantly with sea level rise and that little to no wetlands will exist in northeast Mission Bay by 2100 unless new wetlands are created. The City's *Our Climate Our Future Climate Resilience San Diego* [website](#) states "By 2100, San Diego could experience another 3.6 to 10.2 feet of sea level rise. Sea level rise will mean more flooding and faster rates of erosion along the coastline." This is further documented using the website's link to U.S. Geological Survey's [Our Coast, Our Future Hazard Map](#), which illustrates existing wetlands and areas proposed for wetland restoration flooded with just 6.5 feet of sea level rise.

Need for Subsequent Public Review for Projects under the PEIR

Given that the program level of the Amendment and PEIR precludes the analysis of project design details (i.e., wetland impact, restoration/creation/enhancement acreages, locations of recreational and water quality elements relative to habitat restoration), the PEIR analysis appropriately concludes in Table S-4 that direct or indirect impacts to sensitive vegetation communities, wetlands, and sensitive plant and wildlife species associated with these habitats would be potentially significant.

The PEIR also states that "General Development Plans would be developed over time and provide precise engineering design and construction plans for the recreational elements included in the project. To ensure adequate environmental documentation and review upon the preparation of the General Development Plan, the Service requests, in addition to MM-BIO 5.3 1-5 (with revisions, provided below), that MM-BIO 5.3-6 (provided below) be added to the final PEIR mitigation monitoring and reporting program. MM-BIO 5.3-6 should require the preparation of a Biological Technical Report (BTR) that identifies project level impacts to biological resources and proposes mitigation in accordance with the City's Biology Guidelines for future project components, including both restoration and development components, proposed in the Amendment area. In addition, Wildlife Agency review and concurrence should be required prior to City approval of future project-level designs. As required by the Biology Guidelines, the BTR should also quantify acreages of existing and proposed impacts to sensitive habitats and species, including but not limited to uplands, wetlands, and eelgrass habitat, and including graphics and summary tables. The BTR would be subject to review and input Wildlife Agencies for deviations from the San Diego Municipal Code necessary for wetland impacts or reduction of the 100-foot buffer in the coastal zone.

Modifications to Avoid and Minimize Impacts to Habitat and Wildlife

The Service recommends minimal active restoration within existing intertidal wetlands, salt panne, and mudflats in and adjacent to the Preserve. This is the primary marsh and mudflat habitat in Mission Bay, and major impacts to it will negatively affect resident and migratory wildlife that depend on it. In addition, major disturbances to the marsh substrate will release the carbon sequestered therein. The salt marsh in the Preserve has been hydrologically degraded by fluvial freshwater being bypassed or directed away from the marsh. For example, Rose Creek used to enter the Preserve before it was channelized directly into Mission Bay. A ditch lower than the elevation of the marsh and along the east side of the Preserve sends freshwater flows directly into Mission Bay bypassing the salt marsh.

Coastal salt marsh requires an appropriate amount of fluvial flows delivering freshwater, sediments, and nutrients into the marsh to be sustainable. For example, the input of sediment is needed to keep pace with sea level rise. In addition, lack of fluvial flows and associated delivery of freshwater and nutrients has been correlated with the reductions in the height of cordgrass (*Spartina foliosa*) thereby making them less supporting of nesting by Ridgway's rail. In the Preserve, artificial nest structures for Ridgway's rail are placed in the marsh because the cordgrass is too short to support nesting. To rectify this hydrological degradation, acceptable restoration activities within the Preserve may include reestablishment of a fluvial input from Rose Creek and other tributaries associated with the Noyes and Olney Street drains north of the Preserve, provided that the Service and California Department of Fish and Wildlife (collectively, the Wildlife Agencies) and the University of California Reserve (landowner) have the opportunity to provide input and final approval on the design and an associated hydrological analysis.

The Service also recommends that the Amendment specify that fill only be placed in subtidal habitat for restoring subtidal habitat supportive of eelgrass (*Zostera marina*) or intertidal habitat (mudflats, low-elevation cordgrass marsh, mid- to high-elevation salt marsh). Figure 21 in the Amendment appears to show placement of dredge fill in the northeast side of De Anza Cove to create land. The Service does not support filling subtidal or intertidal habitat to create uplands because it would result in a net loss of wetlands. However, we may support filling of subtidal area to restore eelgrass or intertidal habitat (i.e., mudflat, low-, mid-, or high-elevation salt marsh) if it is shown to have a net environmental benefit to help make Mission Bay more resilient to sea level rise and reduce project costs associated with a net export of fill.

We also recommend that the Amendment restrict fill from being placed immediately south of the Preserve in the existing mudflat and eelgrass beds because they are contiguous with a productive coastal salt marsh and thus currently part of a complete marsh system. If needed, fill could be placed in subtidal habitat immediately south of Campland, southwest of the De Anza Point peninsula, and in De Anza Cove.

The Amendment should require measures to avoid and minimize indirect impacts to upland, wetland, and open water habitats in and around Mission Bay and Rose Creek including, but not limited to, indirect impacts associated with drainage from developed areas; toxins; lighting; noise; and invasive species. Measures to minimize indirect impacts to habitat areas would

facilitate the maximum utilization by wildlife. For example, the Amendment, should require that all lighting be shielded and directed from the away from native habitats.

While not included or evaluated in the PEIR, the Amendment allows the upper 50 feet of wetland buffers to include walkways, overlooks, picnic tables, benches, and lighting. However, according to the City's Biology Guidelines, wetland buffers in the Coastal Overlay Zone (COZ) must be limited to public access paths, fences, restoration and enhancement activities, and other improvements necessary to protect wetlands. While restoration/creation activities would be considered a compatible use in the COZ, overlooks, picnic tables, benches and undefined recreation improvements would be inconsistent with the existing Master Plan that specifically calls for expansion of habitat areas for sensitive species and adequate buffers to protect sensitive environmental resources from incompatible land uses (Master Plan, Appendix 1).

Therefore, the Amendment should specify that wetland buffers in the COZ must be limited to public access paths, fences, restoration and enhancement activities, and other improvements necessary to protect wetlands consistent with the City's Biology Guidelines.

Impacts to Federally Listed and/or SAP Covered Species

Amendment activities could impact federally listed and/or SAP covered species and/or their habitats in the Preserve and Mission Bay. The federally listed endangered Ridgway's rail and least tern, and threatened snowy plover use the Preserve and Mission Bay for nesting, roosting, and/or foraging. We recommend that surveys be conducted to determine the number and distribution of listed/sensitive species within the Amendment area. The final PEIR and subsequent environmental documents should evaluate potential impacts and identify conservation measures to avoid and minimize impacts, to these species. Potential conservation measures are appended (Appendix) and should be included in the mitigation framework in the final PEIR and subsequent environmental documents. The Service is available to work with the City to further develop conservation measures for Amendment activities. If potential impacts to federally listed species cannot be avoided, consultation with the Service pursuant section 7 or 10 of the Act will be required. As a reminder, impacts to federally listed species within the U.S. Army Corps of Engineers (Corps) jurisdiction are not covered under the City's SAP.

The Service recommends revisions to Section 5.3.2.1 of the PEIR which concludes that project impacts to covered species outside the City's MHPA would not be considered significant. The Service does not concur with this conclusion in the PEIR. According to the City's Biology Guidelines, "Certain species covered by the MSCP [see Section I of the Biology Guidelines] and other species not covered by the MSCP, may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP." Design measures to ensure compliance with the City's MSCP SAP and potential impacts to covered species should be evaluated on a case-by-case basis on the project level in the BTR required by MM BIO 5.3-6.

Planning and Implementing Habitat Restoration in Relation to New Development

As stated in our previous letters, we recommend revising the Amendment to require the planning and implementation of habitat restoration prior to, or concurrent with, other project components (e.g., active recreation). There is an ecological, economic, and habitat-based public access benefit to coupling habitat restoration with other project components. If the planning and implementation of restoration is not completed prior to or concurrent with other project components, the potential for reducing restoration costs associated with removing infrastructure/asphalt and balancing cut and fill on site will be limited. In addition, the plan and funding for removing infrastructure and asphalt as well as restoring habitats west and east of Rose Creek should be completed and secured prior to operating new commercial or regional recreation.

Public Access

We recommend that the Amendment incorporate language limiting public access in native habitats restored west of Rose Creek to that needed for habitat and wildlife management, and scientific research. In addition, the Interpretive Nature Center location west of Rose Creek should be removed. However, to help connect more people with nature and diversify the public's experiences in Mission Bay, habitats east of Rose Creek would be appropriate for passive recreation (e.g., trails and overlooks for hiking and bird watching), provided the Wildlife Agencies have the opportunity to review and approve the design.

Utilization of Native Vegetation for Landscaping

We recommend that the Amendment require all vegetation on De Anza peninsula and the Regional Parklands within the Amendment area consist of appropriate native vegetation. Use of a native landscape palette for all landscaping will benefit wildlife and limit the cost of long-term irrigation (established native vegetation does not require regular irrigation) and minimize fertilizers from entering Mission Bay. It will also diversify the visitor experience by providing access to native vegetation and habitat.

Placement of Amenities for Camping

We recommend that the Amendment require amenities for camping and RVs (e.g., concessions, dump stations, hook ups) be set back as far as possible from Mission Bay and habitat. Such design considerations are critical to minimize associated trash and pollutants from entering the bay and artificial night lighting, noise, and attraction of pests that can discourage wildlife (e.g., rats, crows, and gulls) from entering habitats. Only non-RV elements or camping restricted to tents or eco-friendly accommodations comprised of earth and native vegetation ground cover should be located within the peninsula to minimize edge effects associated with impervious surfaces and lights.

Storm Water or Water Quality Best Management Practices

While the PEIR acknowledges the anticipated installation of water quality design features (PEIR, p. 3-5) and also states that "a key strategy is to locate wetlands as water quality improvement

features immediately adjacent to the existing storm drain outfalls...” (PEIR p. 3-4), it does not adequately describe storm water or water quality Best Management Practices (BMPs) to minimize water quality impacts from upland uses to existing and proposed wetlands. Considering that filtration of run-off would affect the health and function of existing or restored wetlands and BMPs could require maintenance that would also affect adjacent wetland areas, further detailed analysis is necessary.

The final PEIR should adequately describe storm water or water quality BMPs to minimize water quality impacts from upland uses to existing and proposed wetlands.

Living Shorelines

The PEIR does not provide enough detail concerning the proposed living shorelines for an adequate evaluation of impacts. The Amendment identifies living shorelines as including oyster reef colonies, shoreline structures, and/or terraced access steps. National Marine Fisheries Service’s (NMFS) [Understanding Living Shorelines](#) indicates that living shorelines are utilized to stabilize shorelines, reduce erosion, and provide habitat to enhance coastal resilience. It also indicates that living shorelines exist in a spectrum of softer techniques, such as wetlands restoration, to harder techniques, such as bulkheads. In general, the Service does not support utilization of hard structures (e.g., bulkheads, rip rap, or cement) to protect shorelines if other alternatives are available and we suggest that the Master Plan restrict their utilization from all new development in or adjacent to wetlands, Mission Bay, and Rose Creek.

Future Impacts

We are concerned that future uses and activities in Mission Bay, such as motorized watercraft and dredging, may impact the existing and proposed wetlands in the Amendment area and on Fiesta Island. The Service appreciates that motorized watercraft are restricted from De Anza Cove and that the proposed lease is non-motorized. However, we are concerned that motorized boats would have access to De Anza Cove. Motorized boats can pollute water and disturb wildlife and should be restricted from wetland areas. Further, motorized activity in the bay (e.g., jet skis, motor boats) would likely lead to rapid erosion of the wetlands based on known erosion rates at the Preserve. Future dredging could also lead to changes in hydrology, erosion, and long-term stability of existing and proposed wetlands.

The final PEIR should include requirements in the Mitigation and Monitoring Reporting Program to help ensure motorized boats to do not access De Anza Cover (e.g., signage, procedures for enforcement of watercraft use) and future dredging does not impact existing or restored wetlands. Analysis of these issues should also be included in the project-level BTR described in MM BIO 5.3-6.

Inadequate Analysis of Indirect Impacts and SAP Compliance

The PEIR provides inadequate analysis of indirect impacts to biological resources and SAP compliance. Sections 5.3.3.1, 5.3.3.2, and 5.3.3.3 of the PEIR conclude that indirect project impacts to plant and wildlife species, Tiers I through III habitats, and wetlands would be less

than significant based on future compliance with elements of “the MSCP SAP, the San Diego RWQCB Municipal permit, the City’s Stormwater standards and NPDES regulations through site design, source control, and incorporation of construction and permanent BMPs.” The reader is referred to analysis of compliance provided in Tables 4 through 6 in Appendix D, the BTR. The following discussion provides examples of deficiencies in the analysis provided in those tables.

Table 4 summarizes project compliance with MSCP General Management Directives and Area Specific Management Directives (ASMD). The ASMD for Ridgway’s rail, for example, states that if breeding season cannot be avoided, measures would be taken to reduce impacts to a level below significant. Given the fully-protected and endangered status of the Ridgway’s rail, measures must be specific to address site conditions. Table 4 of the BTR also states that fencing installed to prevent access to the Ridgway’s rail would be placed at the discretion of the senior park ranger. Project-level details pertaining to locations and acreages of wetlands and recreational uses are needed to adequately guide the placement of fencing for the protection of sensitive wetland resources, particularly given the endangered status of the species, and would require input with the Wildlife Agencies. Table 4 of the BTR also states that the Ridgway’s rail would be protected from additional edge effects from the creation of additional marshland. Again, this conclusionary statement does not ensure protection for the Ridgway’s rail from edge effects since no information has been provided on the location or type of marshland to be installed relative to the location of this species. Finally, MM BIO 5.3-2 is listed as a compliance measure that implements ASMDs for species listed in Table 4. A requirement for general monitoring without consideration given to a particular species or site conditions would not be considered an appropriate ASMD.

Table 5 summarizes the project’s consistency with MSCP General Planning Policies and Design Guidelines and explains that “The project has been designed to follow existing disturbed and developed areas to the maximum extent practicable to avoid intrusion into the MHPA, where feasible” (BTR, Section 3.3). This statement is inconsistent with Section 5.3.3 of the PEIR that explains the limitations in program level analysis of direct impacts, “An analysis of the exact acreage of impacts that occur...in the project area as a result of the project is not provided at the programmatic level because such analysis would be speculative in nature since future site specific projects are not known at this time.” Similarly, at the programmatic level, project designs referenced in Table 5 are not available to support the conclusion that intrusions into the MHPA have been avoided to the maximum extent practicable.

Table 6 states that MSCP Land Use Adjacency Guidelines related to drainage, lighting, and barriers will be ensured by the conversion of Campland to marshland. However, both the De Anza Natural and the Enhanced Wetlands/Optimized Parkland alternatives retain low-cost visitor accommodations on the De Anza Boot. As a result, drainage, lighting and need for barriers to restrict access will remain a concern where recreational uses are located adjacent to Multi-Habitat Planning Area (MHPA) as well as wetland areas outside the MHPA and would require analysis at the project level.

Thus, Tables 4 through 6 in the BTR and referenced in the PEIR provide inadequate analysis to support the conclusion of less than significant indirect impacts from the project.

The final PEIR should include additional information and analysis regarding indirect impacts to address the issues above. Analysis of these issues should also be included in the project-level BTR described in MM BIO 5.3-6. In addition, the project-level BTR should include measures consistent with the policies, directives, and guidelines of the SAP to avoid and minimize indirect impacts to those resources.

Modifications to Specific Mitigations Measures in the PEIR

The Service recommends revisions to the following mitigation measures provided in Table S-4 of the final PEIR:

MM BIO 5.3-1 Focused Sensitive Plant Species Surveys. The Service recommends that revisions to this measure to include sensitive wildlife species and require the future refinement of these measures and development of additional project-specific measures as needed, based on the results of future surveys conducted in support of projects proposed within the Amendment area (see MM BIO 5.3-6). Potential occurrence of sensitive or state or federally listed species should be identified at the project level and mitigation methodology (e.g., relocation, if appropriate) should be determined at that time. Salvage, off-site relocation of sensitive species, or acquisition of mitigation credits would be considered appropriate mitigation only after impact avoidance has been demonstrated and other viable on-site mitigation options explored in coordination with the Wildlife Agencies.

Regarding the transplantation of federally endangered California seablite (*Suaeda californica*), the Service recommends project level verification of species as it is not known or expected to occur in San Diego County. Coordination with the Wildlife Agencies would be required for any proposal to utilize off-site populations for seed collection or translocation to habitat off-site.

MM BIO 5.3-2 Qualified Monitoring Biologist. The Service recommends revisions to this measure to require the refinement of mitigation measures when project level design becomes available such that measures required for the protection of biological resources (including but not limited to avian protection and monitoring requirements) would be informed by the results of future project-level reconnaissance and focused surveys. Mitigation for sensitive species and habitats should be developed following project level analysis of proposed habitat restoration/creation, location and type of wetlands to be created, and potential and observed species occurrence at the time of those surveys. Conservation measures provided as the Appendix to this letter should be referenced in the development of project-specific mitigation measures.

MM BIO 5.3-3. Sensitive Vegetation Communities and Jurisdictional Aquatic Resources Impacts Mitigation and 5.3-4 Eelgrass Beds Creation. The Service does not concur with the following proposed measure: “At least 1:1 creation mitigation for impacts to eelgrass must occur within Mission Bay (the remaining 1:1 mitigation may occur outside Mission Bay, if necessary).” Though eelgrass and wetlands must be distinguished in the Amendment and PEIR (see

subheading: *Unclear Acreages* above), for consistency with the City's Biology Guidelines Section III.b.1 that require mitigation for wetland impacts within the watershed, we recommend a revision to the PEIR to clarify that mitigation outside of Mission Bay would be permitted only following coordination with the Wildlife Agencies and a thorough investigation of wetland mitigation options in the immediate project vicinity. Generally, the Service recommends the selection of an alternative that would result in a net gain of wetlands such that all impacts resulting from the conversion of habitats would be mitigated through the creation or enhancement of habitat on-site. Furthermore, coordination with the NMFS would be required prior to project approval to obtain concurrence on proposed impacts to eelgrass beds as well as proposed mitigation to offset those impacts.

MM-BIO 5.3-5 Habitat Restoration in Temporary Impact. The Service recommends revisions to this measure to reflect the City's Biology Guidelines that require mitigation for impacts at ratios provided in Tables 2a, 2b, and 3 with no distinction made between temporary and permanent impacts (City Biology Guidelines). All impacts are mitigated as permanent impacts. Accordingly, habitats restored for mitigation would require a 5-year rather than 25-month maintenance and monitoring period and in perpetuity long-term management plan required for wetland habitats restored for mitigation (City Biology Guidelines, Attachment B).

MM BIO 5.3-6 Preparation of Biological Technical Report for Subsequent Projects Proposed in the Amendment Area.

In addition, the Service recommends the following mitigation measure (**MM BIO 5.3-6 Preparation of Biological Technical Report for Subsequent Projects Proposed in the Amendment Area**) be provided in Table S-4 of the final PEIR:

A BTR will be prepared in accordance with the City's Biology Guidelines and provided to the Resource Agencies for review and approval prior to any subsequent CEQA project review and/or City approval in the Amendment area. Preparation of the BTR should include, but not be limited to: results of focused and general surveys; evaluation of project compliance with the City's SAP and development of appropriate project design features to comply with SAP guidelines, directives, and conditions of species coverage; quantification (in acres) of existing habitat types [subtidal open water lacking eelgrass, subtidal open water occupied by eelgrass, intertidal and fluvial channels, mudflats, low-elevation salt marsh (cordgrass), mid- and high-elevation salt marsh, wetland-upland ecotone, dunes, coastal sage scrub and maritime succulent scrub]; determination of proposed conditions and anticipated habitat acreages, distinguishing habitat types as listed above, and created/enhanced/converted habitat; analysis of project specific indirect, direct, and cumulative impacts (acreages) on habitat types and associated species of concern; and development of project-specific mitigation measures. Additional guidance pertaining to MM BIO 5.3-6 and analyses required in the BTR provided in previous sections of this letter should also be used to develop this measure.

Inclusion of the California Coastal Commission's Coastal Development Permit (CDP) for Fiesta Island in the Amendment

We recommend that the Amendment be revised to incorporate the changes specified by the CDP for the Fiesta Island Amendment of the Master Plan [Addendum to Item Th9f, Coastal Commission Local Coastal Plan Amendment Application No. LCP-6-SAN-19-0142-2 (Fiesta Island), for the Commission Meeting of June 10, 2021]. The CDP changed the distribution of habitat and access within the Northern Subarea of Fiesta Island. These changes are not reflected in Figures 22 and 24 of the Amendment. Since the Master Plan is being amended again, we recommend that the City also incorporate the changes made through the CDP public review process for Fiesta Island. Changes to the Northern Subarea in the CDP included but were not limited to: relocation of the 30-acre California least tern nest site adjacent to the western beach, the closure of the nesting area to public access year round to protect the California least tern and other migratory birds and their habitat; the eastern half of the subarea being restored to tidal wetlands; replacement of the perimeter paved road with 1,600-foot long segment along the beach on the east side; and, prioritization of habitat improvements within the Northern Subarea over full redevelopment of the Southeast Subarea.

We appreciate the opportunity to comment on the Amendment and PEIR to assist the City in realizing its vision for environmental stewardship consistent with the Master Plan, NRMP, and SAP. We are happy to work with you to address our comments on the Amendment and PEIR. If you have questions or comments regarding this letter, please contact [Carolyn Lieberman](#),² [Anita Eng](#),³ or [Sandy Vissman](#)⁴ at 760-431-9440.

Sincerely,

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APPENDIX

SUGGESTED CONSERVATION MEASURES

The following General and Species' specific conservation measures should be included in the mitigation framework in the final PEIR and subsequent environmental documents. The Service is available to work with the City to further develop conservation measures for Amendment activities.

General Conservation Measures (CM)

- CM 1. The City will temporarily fence (with silt barriers) the limits of project construction staging areas and access routes and mark (e.g., flag) the limits of dredging/excavation to prevent additional impacts and the spread of silt from the construction zone into adjacent avoided habitats. Fencing/marking will be installed in a manner that does not impact avoided habitats. The City will submit to the Service for approval, at least 2 days prior to initiating project impacts, photographs that show the fenced/marked limits of impact. If work occurs beyond the fenced/marked limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Service. Any riparian/wetland or upland habitat impacts that occur beyond the approved fenced area will be offset as determined by the Service. Temporary construction fencing/marking will be removed upon project completion.
- CM 2. The City will implement the following conditions during project construction:
- a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
 - b. To avoid attracting predators, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site.
 - c. Pets of project personnel will not be allowed on the project site.
 - d. Other than fill used to restore habitat, disposal or temporary placement of excess fill, brush, or other debris will not be allowed in waters of the United States or their banks.
 - e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and will be shown on the construction plans. Fueling of equipment will take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment

will be checked for leaks prior to operation and repaired as necessary. “No-fueling zones” will be designated on construction plans.

- f. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
- g. No work will occur at night.

Species Specific Conservation Measures

California Least Tern

- CM 3. In-water construction will occur from September 15 to March 31 to avoid the least tern nesting season.
- CM 4. If in-water construction must occur during the least tern nesting season (April 1 to September 15), the City will implement the following measures:
 - a. Beginning April 1, the City will have a least tern biologist to monitor daily for the arrival of least terns into Mission Bay, and immediately notify the Service upon their arrival. The City will coordinate with other least tern monitors in Mission Bay. The City will notify the Service via email on a daily basis as to the presence or absence of least terns in Mission Bay. The least tern biologist will be present throughout the period of in-water construction and will note the presence of least terns in Mission Bay and the work area.
 - b. The City will provide a biological monitor with least tern experience on all days when in-water work is conducted after least terns arrive in Mission Bay. The biological monitor will be present throughout the period of in-water construction and will note the presence of least terns in Mission Bay and the work area, and any project-generated surface turbidity. Surface turbidity is defined as an obvious discoloration of the top 10 feet of the water column visible to the human eye. Project-generated surface turbidity will not exceed 500 feet in length or width, or persist longer than 1 hour.
 - c. In the event surface turbidity exceeds 500 feet in length or width or persists longer than 1 hour, the biological monitor will be empowered to stop project activity to allow the plume to dissipate. The biological monitor will contact the City and Service immediately after construction has been stopped. Construction will not resume until approved by the City and the Service.
 - d. The biological monitor will provide daily field reports to the City and Service within 24 hours of each monitoring date. The daily field reports will include photographs showing the best management practices surrounding the work area taken during in-water work, and any incidences of plume escape or

expansion outside of the silt curtain. The biological monitor will also submit a final summary report of monitoring to the City and Service within 30 days of completion of in-water work.

Light-Footed Ridgway's Rail

- CM 5. All work in or within 500 feet of marsh habitat will occur between September 16 and March 14 to avoid the Ridgway's rail nesting season.
- CM 6. The City will staff a biologist knowledgeable of Ridgway's rail biology and ecology (rail biologist) who will be responsible for overseeing compliance with conservation measures for the Ridgway's rail. The rail biologist will be approved by the Service. The City will submit the biologist's name, address, telephone number, and work schedule on the project to the Service at least 14 days prior to initiating project impacts. The rail biologist will perform the following duties:
- a. Perform a minimum of three focused pre-construction surveys, on separate days, to determine the presence of Ridgway's rails in the project impact footprint outside the rail breeding season. Surveys will begin a maximum of 7 days prior to performing project construction and one survey will be conducted the day immediately prior to performing project construction. The City will notify the Service at least 7 days prior to project construction to allow the Service to coordinate with the rail biologist on the surveys, and within 24 hours of detecting any Ridgway's rails in the project impact footprint.
 - b. Before each workday begins, check to see if Ridgway's rails have entered the project impact footprint.
 - c. Oversee installation of and inspect the exclusionary fencing required in CM 1 a minimum of once per day to help ensure any breaks in the fence are repaired immediately.
 - d. If any Ridgway's rails are found within the project impact footprint, the rail biologist will direct construction personnel to begin in an area away from the Ridgway's rails. In addition, the rail biologist will walk ahead of clearing/dredging equipment to flush birds towards channel areas to be avoided. It will be the responsibility of the rail biologist to ensure that Ridgway's rails will not be injured or killed by project implementation. The biologist will also record the number and location of Ridgway's rails disturbed by project construction;
 - e. Be on site during work to ensure compliance with all CMs.
 - f. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: (i) the purpose

for resource protection; (ii) a description of the Ridgway's rail and its habitat; (iii) the CMs that should be implemented during project construction to avoid and/or minimize impacts to the Ridgway's rail and its habitat, including strictly limiting activities, vehicles, equipment, and construction materials to the project footprint to avoid sensitive resource areas in the field (i.e., access roads, and the construction/staging areas); (iv) environmentally responsible construction practices; and (v) the protocol to resolve conflicts that may arise at any time during the construction process.

- g. Halt work, if necessary, for any project activities that are not in compliance with the CMs. The rail biologist will report any non-compliance issues to the Service within 24 hours of its occurrence and confer with the Service to ensure the proper implementation of Ridgway's rail and habitat protection measures.
- h. Submit weekly compliance reports (including photographs of impact areas) to the Service to show that authorized impacts were not exceeded and general compliance with all CMs. A separate report will be prepared and submitted to the Service immediately if an impact occurs outside of the approved project limits.
- i. Submit a final report to the Service within 60 days of project completion that includes as-built construction drawings with an overlay of areas that were impacted or preserved and other relevant information documenting that authorized impacts were not exceeded and that general compliance with the CMs was achieved.