State of California – The Resources Agency ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
South Coast Region
4949 viewridge Avenue
San Diego, CA 92123
(858) 467-4201

June 18, 2007

Marilyn Mirrasoul
Environmental Planner
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, California 92101

Comments on the Draft Program Environmental Impact Report for the City of San Diego Draft General Plan (Project No. 104495, SCH# 2006091032)

Dear Ms. Mirrasoul:

The California Department of Fish and Game (Department) has reviewed the above-referenced Draft Program Environmental Impact Report (DPEIR) dated April 26, 2007. At our request, the City of San Diego (City) granted the Department an extension of the comment period for the DPEIR until June 18, 2007 (M. Mirrasoul, email correspondence, June 4, 2007). We appreciate the extension. The comments provided herein are based on information provided in the DPEIR and associated documents, the City's October 2006 Draft General Plan, our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 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 (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program. The City of San Diego (City) currently participates in the NCCP program by implementing its approved Mulitple Species Conservation Program (MSCP) Subarea Plan.

The proposed project is the adoption and implementation of the Draft General Plan, and companion items, which would guide future growth and development within the City over the next 20-30 years. Due to the limited amount of vacant land available within the City for development, the Draft General Plan emphasizes targeted development and reinvestment in existing communities by combining residential, commercial, and other development in compact, mixed-use village centers connected to a regional transit system. The Draft General Plan is a policy-level document, thus future actions would be required for its implementation, such as: community plan updates,

land development code amendments, development projects, and others. Although environmental review of these future actions may tier from the PEIR, separate environmental review pursuant to CEQA would be performed for these actions. Certification of the PEIR and approval of the General Plan does not authorize any physical development.

In general, mitigation for impacts is not available at the PEIR level of review since specific development projects that would occur in the course of implementing the Draft General Plan are not known. All mitigation for specific projects would be in accordance with existing guidelines, including but not limited to the City's Biology Guidelines, ordinances, and the MSCP Subarea Plan. The DPEIR identifies potentially significant and unavoidable environmental impacts from the proposed project in the following areas: agricultural resources, air quality, biological resources, geologic conditions, health and safety, historical resources, hydrology, land use, mineral resources, noise, paleontological resources, population and housing, public services, public utilities, transportation/circulation/parking, visual effects and neighborhood character, and water quality. Four alternatives to the proposed project are analyzed in the DPEIR: 1) No project (represents build-out under currently adopted plans, not a 'no build' scenario); 2) Enhanced sustainability; 3) Increased parking management; and 4) Concentrated growth.

We offer our comments and recommendations in the attached enclosure 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. In summary, our primary comments address the following: (1) subsequent CEQA review for future actions under the proposed project; (2) the City's MSCP obligations; (3) increased recreation in the MHPA; (4) potential impacts to wildlife movement; (5) development of public facilities; (6) additional thresholds of significance; (7) mitigation measures Bio-1 through Bio-9; (8) the mitigation framework for biological resources; (9) mitigation ratios provided for Tier IIIA habitats; and (10) the need to address highly sensitive species not covered by the MSCP.

We appreciate the opportunity to comment on the DPEIR for this project. If you have questions or comments regarding this letter, please contact Heather Schmalbach of the Department at (858) 637-7188.

Sincerely,

Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

cc: State Clearinghouse

Department Comments on the Draft Program Environmental Impact Report for the City of San Diego Draft General Plan

E-1 1. Section 2.1.3 of the DPEIR indicates that the City (as Lead Agency), under Section 15168 of CEQA, may determine that no further environmental review would be required for actions determined to be within the scope of the PEIR for the proposed project. Due to the coarse level of impact analysis feasible at the PEIR level, the Department assumes that all subsequent actions would undergo separate environmental analysis pursuant to CEQA.

E-2 2. The Department requests that the following responsibilities be included under the City's primary MSCP obligations discussed in Section 3.3.3 (page 3,3-23) of the DPEIR: a) preparation and implementation of area-specific management directives (ASMDs) for lands preserved under the MSCP; b) ensure development project compliance with the species specific conditions contained in Table 3-5 of the MSCP Subregional Plan; and c) manage all lands preserved under the MSCP to maintain the long-term viability of natural habitats for covered species, to include implementation of measures to control unauthorized and/or incompatible uses on preserve lands, control of exotic species, and others.

E-3 3. One of the goals of the Recreation Element indicated in the Draft General Plan is to build upon existing recreation facilities and services in order to meet the City's increasing recreational needs as vacant land becomes less available. These needs would be met, in part, through increased public access and utilization of City-owned open space lands included within the Multi-Habitat Planning Area (MHPA). On the other hand, one of the policies of the Conservation Element is to preserve natural habitats pursuant to the MSCP and manage all City-owned native habitats to ensure the long term biological viability of rare plant and animal species.

While passive recreation is an allowed use within the MHPA, per the MSCP Subarea Plan, the Department is concerned about potential degradation of the MSCP Preserve and impacts to covered species as a result of increased recreational use of these areas (e.g., edge effects, increased noise levels, breeding season disruptions, etc.). The final PEIR should include an analysis of potentially significant direct, indirect, and cumulative impacts to the long term viability of sensitive habitats and MSCP covered species from increased levels of use of the MHPA for recreation. In addition, the final PEIR should include possible mitigation measures to avoid, minimize, and/or reduce degradation of the MSCP Preserve from increased recreational use (e.g., seasonal closures, environmentally sensitive trail design, education and outreach, etc.).

E-4 4. The DPEIR indicates that the proposed project would minimize impacts to wildlife movement by focusing on compact development patterns *which* would reduce habitat fragmentation. However, the DPEIR does not address potential impacts on wildlife movement from development of the proposed regional transit system. The final PEIR should include an analysis of potentially significant impacts to regional and local wildlife corridors from development of a region-wide public transit system.

5. The DPEIR indicates that the proposed project would include the construction of new and enhanced public facilities and remediation of existing infrastructure deficiencies to support

E-1 Any discretionary project with impacts to sensitive resources such as biological and MSCP resources would require subsequent environmental review in accordance with all City regulations and policies including the Environmentally Sensitive Lands (ESL) Regulations of the City's Land Development Code, the MSCP Subarea Plan, the Development Services Department's Significance Determination Thresholds, and Biology Guidelines.

E-2 Language has been added to the PEIR under MSCP obligations to include:

1. Preparation and Implementation of Area Specific Management Directives (ASMDs).
2. Ensure development project compliance with the species specific conditions contained on Table 3-5 of the MSCP Subarea Plan.
3. Management of lands conserved under the MSCP in accordance with the MSCP Subarea Plan and Implementing Agreement (IA).

E-3 Specific projects have not been identified at this time; therefore, any potential significant direct, indirect, or cumulative impacts are unknown and cannot be appropriately analyzed with this document. However, all projects which would impact biological resources or the MHPA would require subsequent environmental review including any proposed trail or recreational use within City-owned lands. The City's Environmental Analysis Section and MSCP staff would review projects for direct, indirect and/or cumulative impacts and for consistency with Section 1.5.2 "Public Access, Trails and Recreation" within the MSCP Subarea Plan, as well as all applicable City regulations and policies. Required mitigation could include, but would not be limited to, environmentally sensitive trail design, trial closures, education, and outreach.

E-4 At the program level, a mitigation framework for future development is proposed. Specific and project level potential impacts to wildlife corridors as a result of the implementation of a region-wide public transit system are unknown, and cannot be appropriately analyzed with this document. However, all projects which would impact biological resources or the MHPA would require subsequent environmental review.

E-5 increases in population density. Due to the fact that "essential public facilities" are an allowed use within the MHPA (Section 1.4 of the MSCP Subarea Plan), the final PEIR should include an analysis of potential direct, indirect, and cumulative impacts to the long term viability of the MHPA from the possible encroachment of public facilities and infrastructure.

E-6 6. The Thresholds of Significance used to identify potentially significant environmental impacts that would occur from implementation of the proposed project should be amended in the final PEIR to include those provided in the City's Significance Determination Thresholds Guidelines (January 2007). For example, the following thresholds of significance should be added or incorporated into the Biological Resources impact analysis (Section 3.3.2):

a. Results in a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?
b. Results in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS?
c. Interferes substantially with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?
d. Results in a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?
e. Introduces land use within an area adjacent to the MHPA that would result in adverse edge effects?
f. Results in an introduction of invasive species of plants into a natural open space area?

E-7 7. In the impact analysis discussion for biological resources, a reference is made to mitigation measures Bio-1 through Bio-9 (DPEIR page 3.3-22). We were not able to locate these mitigation measures within the document. The final PEIR should include these measures or remove all references to them.

E-8 8. In the DPEIR, the mitigation framework for biological resources (Section 3.3.4) does not represent and/or include all potential mitigation requirements for biological impacts (e.g., avian breeding season restrictions, impacts to narrow endemic species, etc.). In order to minimize potential inconsistencies with currently applied mitigation requirements, we recommend that the final PEIR either a) remove all text pertaining to current mitigation measures and instead reference the appropriate regulations/ordinances (i.e., Section 1.4.3. of the MSCP Subarea Plan for MHPA Land Use Adjacency Guidelines); or b) emphasize that the mitigation framework does not represent and/or include all the potential mitigation measures which may be required for future development under the Draft General Plan, and does not amend and/or supersede any requirements provided in the MSCP Subarea Plan, Implementing Agreement, Biology Guidelines and/or other accepted City ordinances and

E-5 No construction is proposed and no specific projects or actions have been identified with the Draft General Plan that would result in any direct or indirect physical change in the environment. See response to comments E-3 and E-4.

E-6 The referenced text is consistent with the Development Services Department's Significance Determination Thresholds (2007) for Biological Resources. The PEIR has been revised to reflect the correct text..

E-7 The PEIR has been revised to omit reference to mitigation measures Bio1-Bio-9.

E-8 As specific projects are submitted, the impacts would be analyzed at the project level; and appropriate mitigation measures in accordance with the ESL regulations, MSCP Subarea Plan, and the City's Biology Guidelines would be required. As discussed in the first paragraph describing mitigation measures under the 3.3.4 Mitigation Framework heading, "These measures may be updated periodically in response to changes in federal and state laws, and new/improved scientific methods."

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regulations for impacts to biological resources.

E-9 9. The mitigation ratios provided for Tier IIIA (common uplands) in Table 3.3-4 of the DPEIR (Upland Mitigation Ratios, page 3.3-28) are higher than those cited in the City's Biology Guidelines. The final PEIR should correct this inconsistency,

E-10 10. The final PEIR should address specific impacts and mitigation requirements for highly sensitive species and/or habitats that are not covered by the MSCP Subarea Plan and Implementing Agreement (e.g., Quino Checkerspot). In some cases, additional mitigation measures may be required for impacts to these species.

E-9 The PEIR (Table 3.3-4) has been revised to be consistent with City's Biology Guidelines, Upland Mitigation Ratios.

E-10 For projects impacting sensitive biological resources, a project specific Biological Technical Report would be prepared which would address highly sensitive species and/or habitats not covered by the MSCP. In accordance with the City Biology Guidelines Section II "Development Regulations" additional mitigation may be required. Impacts to species not covered by the MSCP (e.g., Quino Checkerspot Butterfly) may also require state and federal permitting. Prior to the issuance of any grading permits, the applicant would be required to demonstrate that all applicable state and federal permits have been obtained. See response to comment E-8.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

June 7, 2007

Marilyn Mirrasoul
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101-4155

Dear Ms. Mirrasoul:

Re: SCH# 2006091032; San Diego General Plan Update

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-DEIR* from the State Clearinghouse. RCES recommends that the City add language to the General Plan so that any future planned development adjacent to or near the various railroad right-of-way be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

F-1

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new developments. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians. Please advise us on the status of the project. If you have any questions in this matter, please contact me at (213) 576-7078 or at rxm@cpuc.ca.gov.

Sincerely,

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Keith Kranda, NCTD
John Shurson, BNSF
Nancy Dock, SDTI

F-1 Comment noted. This comment does not address the adequacy of the PEIR. However, an edit to the General Plan is proposed as follows: ME-B.9f Address rail corridor safety in the design of development adjacent to or near railroad rights-of-way.

The traffic safety and impacts of pedestrians and vehicles at rail crossings are studied at all crossings that are impacted by new development projects or by future roadway modifications within the City of San Diego. If a development project significantly impacts a railroad crossing, mitigation measures would be required.

STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731

PHONE 714/816-6847 • FAX 714/816-6853 • WEB SITE conservation.ca.gov

May 24, 2007

Ms. Marilyn Mirrasoul, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, California 92101

Subject: Draft Environmental Impact Report for the City of San Diego General Plan Update, SCH# 2006091032

Dear Ms. Mirrasoul:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.

The proposed project is located outside of the administrative boundaries of any oil and gas field. However, there are thirty-five idle and twenty-three plugged and abandoned wells within San Diego County. The wells are identified on Division map W1-7 and in Division records at the Cypress office. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

G-1

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

The Department of Conservation's mission is to protect California and their environment by:
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
Conserving California's farmland and; Saving energy and resources through recycling.

G-1 The City has obtained the geospatial data for the well locations from the California Department of Conservation and has used the data to create a map showing well locations in the General Plan project area, as shown on PEIR Figure 3.5-1. The City has addressed the idle wells and abandoned and plugged wells in the PEIR section 3.5.1, Existing Conditions, by including the following discussion:

According to the State Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR) database, 21 idle wells and 12 plugged and abandoned oil or gas wells have been identified with the Draft General Plan planning area as shown in Figure 3.5-1. The DOGGR also maintains a list and maps oil and gas wells on their website. The state defines an idle well as a well that has not produced oil and/or gas or has not been used for fluid injection for six consecutive months during the last five years. Plugged and abandoned wells are wells that have ceased oil or gas production and have been sealed with a concert plug.

The City has addressed the idle wells and abandoned and plugged wells in the PEIR section 3.5.3, Impact Analysis, by including the following discussion:

Development pursuant to implementation of the Draft General Plan could occur on sites with idle, plugged, and abandoned wells. In accordance with state requirements, any new development on sites idle, plugged and abandoned wells will necessitate the clean up and/or remediation of the property in accordance with applicable state requirements and regulations. This may require that the wells be plug or re-plug wells to current state specifications. The state can order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the development will be located. If development over an abandoned well is unavoidable, an adequate gas venting system

Ms. Marilyn Mirrasoul, Environmental Planner, City of San Diego
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G-2 To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the draft Environmental Impact Report for the General Plan Update. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-8847.

Sincerely,

Paul Frost

Paul Frost
Associate Oil & Gas Engineer

should be placed over the well. If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the state Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) must be contacted to obtain information on the requirements for and approval to perform remedial operations.

G-2 To ensure proper review of development projects, DOGGR has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a development applicant must submit to the DOGGR for the review of projects on sites or in close proximity to sites containing plugged and abandoned wells. No construction will be permitted to occur at such locations until the City can verify that DOGGR has reviewed and cleared the development project. Based on continued oversight by the DOGGR for development on sites or in the proximity of sites with plugged and abandoned wells, no significant impacts are anticipated with this issue.