



March 22, 2018

Via Electronic Mail

Bonsall Unified School District
Facilities, Maintenance and Transportation
ATTN: David Medcalf
31505 Old River Road
Bonsall, CA 92003
david.medcalf@bonsallusd.com

RE: Draft Environmental Impact Report Bonsall High School

Dear Mr. Medcalf:

Endangered Habitats League (EHL) appreciates the opportunity to comment on biological issues. EHL is a regional conservation group active in San Diego since 1993.

Biological Resources

The DEIR may have used an improper baseline in connection with biological impacts. It is our understanding that before biological surveys were conducted, the district cleared the property by using goats which likely removed sensitive plant species and impacted sensitive animal habitat. This issue should be candidly addressed in the DEIR and biological reports and the appropriate baseline should be employed. The project site's pre-clearing status should have been used to assess biological impacts and mitigation and avoidance strategies. An applicant cannot avoid the environmental review process by preemptively clearing the property of all environmental sensitivity.

The project site is designated critical habitat for the southwestern arroyo toad. Designated critical habitat for the coastal California gnatcatcher occurs a mere 500 feet east of the project site. Although focused/protocol level surveys were conducted for other species with nearby designated critical habitat (least Bell's vireo and southwestern willow flycatcher), the consulting biologist did not conduct protocol level surveys as requested by USFWS/CDFW for the arroyo toad or focused/protocol level surveys for gnatcatchers. As such, any conclusions concerning impacts to these species or their critical habitat are unsupported in the absence of protocol level surveys, which should be conducted at the appropriate time of year and under appropriate wildlife agency protocols

Although USFWS has designated portions of the project site (16 plus acres) as critical habitat for the arroyo toad, the DEIR indicates the "primary constituent elements

necessary for arroyo toad do not occur on the project site.” This conclusion cannot be reconciled with USFWS’s critical habitat designation and is unsupported in the absence of protocol level surveys.

Arroyo toads have been found in the area. See: <http://www.sandiegouniontribune.com/sdut-county-supervisors-set-deadline-for-sycamore-2001feb08-story.html>. Focused studies for the species should occur.

The DEIR text and exhibits fail to specifically identify impacted acres of critical arroyo toad habitat, fail to appropriately analyze impacts, and fail to address avoidance or mitigation strategies for impacts to critical habitat. The document is informationally deficient.

The project proposes to maintain 22.4 acres as natural open space (ES 1-1) but fails to address operational impacts to this preserved open space (p. 3.4-18). Instead, the DEIR illogically and without foundation concludes that “potential operational impacts to biological resources will be minimal since the operational requirements of the high school are not expected to result ... beyond what will occur from construction of the project” (p. 3.4-18).

Edge effects exert profound negative impacts, such as human intrusion, trail cutting, invasive plants and animals, lighting, increased fire ignitions, and noise. For example, Argentine ants predate native species and range hundreds of feet from ornamental plantings and buildings. Trash and garbage at school sites are notorious for attracting crows and ravens, which are predators of many native species. The DEIR fails to disclose and mitigate such impacts.

USFWS/CDFW recognize and identify direct and indirect potential significant impacts from human and domestic animal intrusion onto this natural open space and sensitive areas. By failing to acknowledge the reality of operational impacts to these areas, the DEIR fails to provide any mitigation for these impacts, including permanent, ungated fencing as requested by USFWS/CDFW as follows:

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

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

The DEIR should be revised to candidly address operational impacts from student intrusions into protected open space and provide adequate mitigation for those impacts.

The DEIR should require, but does not reference, a mitigation monitoring and reporting program with performance standards and success criteria for the oak trees to be removed and replaced.

Inconsistency with the MSCP

The Wildlife Agencies (US Fish and Wildlife Service (“USFWS”) and California Department of Fish and Wildlife (“CDFW”)) requested that the DEIR provide discussion of the project’s impacts on adjacent MSCP lands (p. 6 USFWS/CDFW Letter dated June 26, 2017). The DEIR fails to provide such discussion. This is a critical informational omission because Pre-Approved Mitigation Area lands (“PAMA”) are located in the project vicinity which may be impacted by the project. PAMA lands are areas with high biological value in which conservation will be encouraged.

The site is part of the MSCP and subject to the **adopted** NC MSCP Planning Agreement between the County and USFWS and CDFW which includes specific Planning Goals and Conservation Goals. The DEIR should identify these and analyze the project’s consistency with them.

The planning agreement also requires at section 6.7.3:

In the event land within the County’s jurisdiction is proposed to be annexed to another jurisdiction, the County shall request that LAFCO impose a requirement on the annexing jurisdiction that it shall enter into an agreement between the County, the annexing jurisdiction, USFWS and CDFW as part of the annexation process to ensure **that annexation would only occur when the annexation will not jeopardize the build-out of the preserve or the coverage of species within either of the Planning Areas, or compromise viable habitat linkages within the proposed preserve and that any development of the annexed lands proceeds in accordance with the Planning Goals set out in Section 3 of this Agreement and the Preliminary Conservation Goals set out in section 5 of this Agreement.**

BUSD’s role is similar to an annexing jurisdiction in that it is exempt from the normal County land use and planning procedures and requirements. Under the circumstances, the DEIR should identify this agreement and its planning goals and conservation goals. At a minimum, BUSD should consult with the Wildlife Agencies regarding whether: (1) this project will jeopardize the build-out of the MSCP preserve or the coverage of species within the North County MSCP Planning Area; (2) compromise viable habitat linkages within the proposed preserve; (3) and the project is consistent with the Planning Goals and Preliminary Conservation Goals in the agreement.

In view of these informational and analytical omissions, consistency findings under Impact 3.10-2 are unsupported and should be revised to include this analysis.

Inconsistency with San Luis Rey River Park Master Plan

The DEIR contains no reference to or analysis of project consistency with the San Luis Rey River Park Master Plan (“SLRRP”)¹. The SLRRP identifies planned horse trails crossing Highway 76 and extending up Gird Road to Live Oak Park. It identifies the project site as a Tier A Site – Active Recreation Area (p. 59). The project site is identified as Site A9, Fallbrook High School site and the SLRRP indicates the Fallbrook district “determined that [it] is not well suited for the development of a new high school.” The SLRRP states: “The spectacular views and shallow rolling topography distinguishes this site from all other potential Tier A sites while providing unique programming opportunities” (p. 64). The SLRRP concludes: “The majority of the site should be preserved/restored as open grassland habitat with nominal additive improvements such as trail improvements and park benches” (p. 65).

This plan and the clear inconsistencies should be identified and acknowledged in the DEIR.

Thank you for considering our comments.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver", is centered on a light gray rectangular background.

Dan Silver
Executive Director

¹<http://www.sdparcs.org/content/dam/sdc/parks/RMD/RMPs%20and%20Trails/SLRmastersummary.pdf>