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In Reply Refer To:  
FWS/CDFW-SDG-17B0409-17CPA0142

June 26, 2017  
*Sent by Email*

David Medcalf  
Director, Facilities, Maintenance, and Transportation  
Bonsall Unified School District  
31505 Old River Road  
Bonsall, California 92003

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Bonsall High School Project, San Diego County, California

Dear Mr. Medcalf:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) dated May 25, 2017. **The Wildlife Agencies have identified potential effects of this project on wildlife and sensitive habitats. The comments provided are based on the information provided in the NOP, our knowledge** of sensitive and declining vegetation communities in San Diego County, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has the legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service also is responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10 of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species pursuant to the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program (Fish and Game Code 2800, *et seq.*).

The 49.8-acre project site is located approximately 0.30 mile north of the intersection of State Route 76 and Gird Road within the unincorporated community of Bonsall in San Diego County. The project proposes to impact approximately 39.5 acres in order to construct, maintain, and operate a new high school. The proposed buildings include permanent classrooms, administrative offices, media centers, and a gymnasium. The proposed project also includes recreational fields

and an on-site parking area. The gymnasium, recreational fields, and other facilities would be available for community use on weekends, holidays, and after school hours. The project also includes low horizon security lighting around the campus and parking areas, as well as nighttime lighting of the hard-court surfaces.

We offer our comments and recommendations in the appendix to assist the Bonsall Unified School District (District) in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources. In summary, our comments address the following issues: (1) updated protocol-level species surveys for listed species with potential to occur in the project area; (2) compliance with CESA and the Act; (3) potential impacts to sensitive biological resources, including wetland and riparian habitats; (4) potential impacts to natural habitat from fuel modification and any necessary off-site improvements (e.g. roads); (5) the use of native plants in landscaped areas adjacent to native habitats; and (6) general information to be included in the DEIR.

We appreciate the opportunity to comment on the NOP and request a copy of the DEIR upon its release. If you have questions regarding this letter, please contact Eric Hollenbeck of the Department at 858-467-2720 or Emily Cate of the Service at 760-431-9440, extension 252.

Sincerely,

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

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

Appendix

cc:  
Office of Planning and Research, State Clearinghouse, Sacramento

**APPENDIX**  
**Wildlife Agencies' comments and recommendations for preparation of a Draft  
Environmental Impact Report for the Bonsall High School Project, San Diego County,  
California**

**Specific Comments**

1. The habitat communities found on the project site have the potential to support a number of federally and/or state listed species, including the federally endangered arroyo toad (a. southwestern t.) [*Anaxyrus californicus* (*Bufo microscaphus* c.); arroyo toad], the federally and state endangered least Bell's vireo (*Vireo bellii pusillus*; vireo), the federally and state endangered southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher), the federally threatened and state endangered western yellow-billed cuckoo (*Coccyzus americanus*; cuckoo), and the federally endangered San Diego ambrosia (*Ambrosia pumila*). To guide project planning to avoid/minimize impacts to listed species, we recommend that protocol level surveys be conducted for any listed or rare species with the potential to occur within the project site, including all those that meet the CEQA definition (see CEQA Guidelines, § 15380). Surveys should be performed no more than 1 year prior to an application for a permit from the Wildlife Agencies, and the DEIR should include the survey results.

Should a listed species be detected within the project site, we recommend that the District coordinate with our respective offices (i.e., the Service for federally listed species and the Department for state listed species) to assess if the project has the potential to result in "take" of that species.

Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an incidental take permit (ITP) unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

2. The project's southern boundary is located in close proximity (less than 1 mile) to the main stem of the San Luis Rey River. The San Luis Rey River supports populations of numerous federally and/or state listed species, such as arroyo toad, vireo, flycatcher, and cuckoo. The San Luis Rey River watershed is also a focus of restoration for the federally listed southern California steelhead trout (*Oncorhynchus mykiss*; steelhead).<sup>1</sup> Therefore, the DEIR should identify and analyze any potential impacts to the San Luis Rey River including potential modification of run-off patterns and discharge of pollutants that could affect listed species and their habitats.

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<sup>1</sup> Southwest Regional Office. January 2012. Southern California Steelhead Recovery Plan. U.S. Department of Commerce, National Marine Fisheries Service.

3. The Wildlife Agencies have responsibility for wetland and riparian habitats. Therefore, we strongly discourage any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be “no net loss” of either wetland habitat values or acreage. Development and conversion include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be avoided and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. For unavoidable impacts, we recommend that the DEIR include mitigation measures to compensate for impacts to wetland and riparian habitats. In addition, the Department has the following comments regarding wetland habitats on the proposed project site:
  - a. The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the Service wetland definition adopted by the Department.<sup>2</sup> Please note that some wetland and riparian habitats subject to the Department’s authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
  - b. The DEIR should include a discussion on maintaining connectivity to adjacent lands through the preservation of any on-site riparian corridors.
  - c. The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river, stream, or lake, or use material from a river, stream, or lake, the project applicant (or “entity”) must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department’s issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the local jurisdiction’s (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.<sup>3</sup>

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<sup>2</sup> Cowardin, Lewis M., *et al.* 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Department of the Interior, Fish and Wildlife Service.

<sup>3</sup> A notification package for a LSA may be obtained by accessing the Department’s web site at [www.wildlife.ca.gov/habcon/1600](http://www.wildlife.ca.gov/habcon/1600).

4. Because of the potential high fire danger associated with the project site, the project proponent should consult with the local fire district to get a definitive evaluation on the extent of fuel modification that will be required. Fuel modification impacts to natural habitats should be incorporated into the development footprint, considered as project impacts, and appropriate biological mitigation should be proposed. No fuel management should be incorporated into designated open space parcels.
5. The proposed project could result in increased traffic volumes on highways and roads providing access to the proposed project area. The DEIR should discuss the need for any road improvements that would be necessary to off-set increased traffic volumes resulting from the proposed project. Furthermore, the DEIR should identify any on-and/or off-site impacts to sensitive species or habitats that would result from any proposed road improvements associated with the project.
6. Appropriate native plants should be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian areas. The applicant should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas adjacent and/or near native habitat areas. Exotic plant species not to be used include those species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (<http://www.cal-ipc.org>). This list includes such species as: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping adjacent to native habitat areas should not use plants that require intensive irrigation, fertilizers, or pesticides. Water runoff from landscaped areas should be directed away from mitigation/open space and/or wetland/riparian areas and contained and/or treated within the development footprint.

### General Comments

To enable the Wildlife Agencies to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:

1. A complete discussion of the purpose and need for, and description of, the proposed project, including all ancillary facilities, staging areas, and access routes to the construction and staging areas.
2. Analyses of a range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise minimize impacts to sensitive biological resources, particularly wetlands. Specific alternative locations should be evaluated in areas with lower resource sensitivity, where appropriate.

3. A complete list and assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying federally and/or state listed threatened, endangered, or proposed candidate species, and any locally unique species and sensitive habitats. Specifically, the DEIR should include:
  - a. Discussions regarding the regional setting with special emphasis on resources that are rare or unique to the region that would be affected by the project. This discussion is critical to an assessment of environmental impacts.
  - b. A current inventory of the biological resources associated with each habitat type on site and within the area of impact.
  - c. A thorough assessment of rare plants and rare natural communities.
  - d. A current inventory of rare, threatened, and endangered species on site and within the area of impact.
  - e. Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area of impact on those species, using acceptable species-specific survey procedures as determined through consultation with the Wildlife Agencies. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
4. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. All facets of the project should be included in this assessment. Specifically, the DEIR should provide:
  - a. Specific acreage and descriptions of the types of wetlands, scrub, and other sensitive habitats that will or may be affected by the proposed project or project alternatives. Maps and tables should be used to summarize such information.
  - b. Detailed discussions, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.
  - c. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any proposed NCCP protected lands.
    - i) Impacts to wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated.

- ii) Discussions of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.
    - iii) If applicable, a discussion of the effects of any project-related dewatering or ground-water extraction activities to the water table and the potential resulting impacts on the wetland/riparian habitat, if any, supported by the surface and groundwater.
  - d. Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development project and natural habitats. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions.
- 5. A thorough discussion of mitigation measures for adverse project-related impacts on sensitive plants, animals, and habitats. Specifically, the DEIR should include/address:
  - a. Where avoidance is infeasible, mitigation measures that emphasize minimization of project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable (e.g., it would not adequately mitigate the loss of biological functions and values), offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
  - b. Mitigation measures to alleviate indirect project-related impacts on biological resources, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of onsite and downstream habitats.
  - c. Where proposed grading or clearing is within 100 feet of proposed biological open space, or otherwise preserved sensitive habitats, a requirement for temporary fencing. Fencing should be placed on the impact side and should result in no vegetation loss within open space. All temporary fencing should be removed only after the conclusion of all grading, clearing, and construction activities.
  - d. A requirement that a Wildlife Agency-approved biological monitor to be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor should have the authority, and responsibility, to halt construction to prevent or avoid take of any listed species and/or to ensure

compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions not in compliance with the permits and construction documents should be immediately brought to the attention of the District and the Wildlife Agencies.

- e. Plans for restoration and revegetation, to be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria (e.g., percent cover of native and non-native species; species richness); (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
- 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.
- g. Development and implementation of a management and monitoring plan (MMP), including a funding commitment, for any on and/or offsite biological open space easements, if applicable. An appropriate natural lands management organization, subject to approval by the District and Wildlife Agencies, should be identified. The MMP should outline biological resources on the site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts. A Property Analysis Record (PAR) or similar analysis should be completed to determine the amount of funding needed for the perpetual management, maintenance, and monitoring of the biological conservation easement areas by the natural lands management organization. It should be demonstrated that the proposed funding mechanism would ensure that adequate funds would be available on an annual basis to implement the MMP. The natural lands management organization should submit a draft MMP, PAR results, and proposed funding mechanism to the District and Wildlife Agencies for review and approval prior to initiating construction activities; the resulting final plan should be submitted to the District

and Wildlife Agencies and the funds for implementing the MMP transferred within 90 days of receiving approval of the draft plan.

- h. To avoid impacts to nesting birds, the DEIR should require that all clearing and grubbing occur outside the avian breeding season. The general breeding season for nesting birds occurs approximately February 15 through September 15; however, raptors may begin breeding as early as January 1. If project construction is necessary during the avian breeding season, a qualified biologist should conduct a survey for nesting birds within 3 days prior to the work in the area to ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer shall be a minimum width of 300 feet (500 feet for raptors), shall be delineated by temporary fencing, and shall remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be affected by the construction.