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Friends of Hedionda Creek
1529 El Paseo Drive
San Marcos, CA 92069
December 29, 2001

Mr. Jerry Backoff
Planning Director
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2918

RE: SEIR 90-13 (MOD) - San Marcos Highlands

Dear Mr. Backoff:

I am commenting on the above-referenced SEIR as a member of the Friends of Hedionda Creek, a group of residents and concerned citizens who are dedicated to the environmental conservation of the San Marcos Mountains and the Hedionda Creek Valley and the preservation of the quality of life of the residents of that area. My comments are in addition to any other comments submitted by members of Friends of Hedionda Creek.

As I am the Sierra Club's Alternate Representative to the MHCP and their Representative to the North County MSCP, I am very familiar with the regional habitat conservation programs that are underway. The biological goals of the MHCP are to: "maintain the range of natural biological communities and species native to the region, and conserve viable populations of endangered, threatened, and key sensitive species and their habitats, thereby preventing local extirpation or species extinction." (Public Review Draft MHCP Plan, Volume I, Ogden, Nov. 2000, p. 1-1.)

In addition, the MHCP "Biological Goals, Standards, and Guidelines for Multiple Habitat Preserve Design" (Ogden, Feb. 1998, p. 1-1) lists four major objectives that have been defined to achieve the above biological goals:

- "1. Conserve the full range of extant vegetation communities, with a focus on habitats considered sensitive, rare, or declining;
2. Maintain functional wildlife corridors and habitat linkages between critical biological resource areas;
3. Maintain viable populations of sensitive plant species; and
4. Maintain viable populations of sensitive animal species and species that are indicators of important habitat."

This comment letter will focus on the Biological Resources section of the SEIR. However, there are some technical problems with the SEIR that make it difficult to analyze and need to be addressed first.

I. Problems with the SEIR

a) The Master Land Use Plan, Figure 3-4, Page 3-5 shows a different configuration in Planning Area 1 than was shown in the Notice of Preparation (NOP) of the SEIR dated April 2, 2001, on page 4. The Master Land Use Plan in the NOP shows the deletion of

approximately 11 lots in Planning Area 1, along the southernmost street in that Planning Area. The Master Land Use Plan in the SEIR includes those approximately 11 lots.

I spoke to Susan Vandrew at the City of San Marcos, Planning Dept., about this discrepancy between the number of units shown in the NOP and in the SEIR. She told me that the Master Land Use Plan in the SEIR is incorrect. The correct Master Land Use Plan is the one shown in the NOP. My comments are based on the assumption that the correct Master Land Use Plan is the one shown on page 4 of the NOP. If this is not correct, the SEIR needs to be amended and redistributed to the public with a full explanation of why the NOP shows one Master Land Use Plan and the SEIR shows a different one.

b) The Master Land Use Plan in the SEIR indicates that a parcel of approximately 22 acres in the northwestern corner of the project has been dropped out of the project. It was shown in the Master Land Use Plan in the NOP as part of the project, and was identified in the NOP as Open Space (3E). Figure 4.3-1, Biological Resources Impacts, shows this parcel as Coastal Sage Scrub (CSS), with gnatcatchers observed on it.

I asked Susan Vandrew at the City of San Marcos' Planning Dept. why this parcel was dropped out of the Master Land Use Plan between the NOP and the SEIR. She told me that this parcel is not in the City of San Marcos' sphere of influence, and the City did not want to do a sphere update, which LAFCO would have required if it had been included.

Dropping out this parcel, which was to be open space, changes the densities of Planning Area 1. It also changes the figures in Table 4.3-1, Vegetation Impacts and Mitigation Summary, in the Biological Resources section, p. 4.3-8. However, the figures in Table 4.3-1 do not reflect the elimination of this parcel from the project. It is difficult to analyze the impacts to the habitat based on the information given in Table 4.3-1. This table needs to accurately reflect what is being proposed, not some earlier proposal. This table and any other parts of the SEIR which are based on incorrect information need to be corrected and reissued to the public. The purpose of an EIR is to accurately disclose to the public, agencies that represent the public, and other individuals and organizations what is being proposed and the environmental impacts so that the interested parties can make informed decisions about the project. Failure to do this is a violation of CEQA.

c) The comment letter that I wrote for the Friends of Hedionda Creek on the NOP was incorrectly copied in the SEIR. Between pages 21 and 22 of my letter, pages 11, 12 and 13 from Attachment C to my letter (Letter from Twin Oaks Valley Community Sponsor

Group) were inserted in error. Someone drew X's across pages 11, 12 and 13, and also across the last page of my letter and the two pages listing the Sources of information for my letter. This is very confusing for someone trying to read my letter.

Also, pages 11, 12 and 13 of the Sponsor Group's letter were completely dropped off of that letter, and page 4 was copied twice. These copying errors make it almost impossible for anyone to understand the Twin Oaks Valley Community Sponsor Group's letter, which was Attachment C to my letter. These are serious errors in a document that is a legal requirement.

II. Biological Resources

a) The SEIR correctly concludes that there will be a substantial adverse effect on riparian habitats and other sensitive natural communities identified in local and regional plans, policies, and regulations or by the California Dept. of Fish and Game and the U.S. Fish and Wildlife Service.

As discussed above, Table 4.2-1 indicates that there are 205.7 acres of CSS on the project site. However, I believe that this is not correct, since the 22 acre parcel has been dropped out of the project, and it was all CSS. Therefore, I believe that the correct number of acres of CSS in the project is 183.7 (205.7 acres - 22 acres = 183.7 acres). Since the parcel that was dropped out was previously shown as open space, I assume that there was no development impact to that area, so the figure of 76 acres of CSS to be impacted is correct. This would mean that 41.4% of the CSS on the property will be impacted.

A 2-to-1 mitigation ratio for impacts to CSS would mean that 2×76 acres or 152 acres of CSS would be required. The SEIR states on page 4.3-9 that 129.7 acres of CSS will be preserved on the site. This is only true if the 22-acre parcel which was excluded is included. The correct figure is $129.7 - 22 = 107.7$. One-hundred seven acres subtracted from 152 acres required for 2:1 mitigation leaves 44.3 acres of CSS to be mitigated. Therefore, the mitigation for take of CSS proposed in the SEIR is not adequate, based on a 2:1 mitigation ratio.

MM 4.3-1 seems to be indicating that riparian habitat and waters of the U.S. will be used for mitigation of take of CSS. Please state what authority allows take of CSS to be mitigated with other types of habitat.

The entire MM 4.3-1 needs to be clarified. The figures need to reflect the removal of the parcel in the northwest corner from the project. How the take of CSS can be mitigated with other types of habitat needs to be explained.

At the current time, the 4(d) rule applies to take of CSS. The City of San Marcos has used up all of its 4(d) allowance for take of CSS. Therefore, the City must ask the County or some other City in San Diego County for use of their CSS as mitigation for the destruction of CSS, if they plan to process this development under the 4(d) rule.

b) The SEIR states that the proposed project will impact riparian habitat and unvegetated waters of the U.S. The proposed mitigation (MM 4.3-3) for these impacts states, “The revegetation plan shall create 2.07 acres of riparian vegetation along the upper corridor in the northern part of the project site or elsewhere in the northern portion of the City of San Marcos or adjacent unincorporated area of the San Marcos Mountains.”

It should be noted that the waters that are to be impacted by the proposed project are the headwaters of Agua Hedionda Creek which flows into Agua Hedionda Lagoon. Putting wetlands elsewhere in the area to mitigate the impact to Agua Hedionda Creek doesn't make any sense and may have an adverse effect on downstream habitat and Agua Hedionda Lagoon itself. Any impacts to the wetlands on the site should be mitigated along Agua Hedionda Creek. Also, we would appreciate it if the developer would provide evidence that riparian areas can be successfully created where they do not exist, if that is the plan.

c) The SEIR states that the proposed project will potentially interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Friends of Hedionda Creek have repeatedly pointed out that the proposed Highlands project is right in the middle of a wildlife corridor that connects two large blocks of open space, the San Marcos Mountains to the east and south of the project site and unnamed mountains to the west and north. Figure 4.2-3 on page 4.2-4 of the SEIR clearly shows how this proposed project will bisect the large open space area. Wildlife will not be able to access the wetlands in Hedionda Creek Valley, which they depend upon for survival.

This valley and surrounding mountains teem with wildlife. The URS Biological Resources Report of Jan. 8, 2001, corroborates this statement. (See Appendix C of the Report.) According to the biological surveys, butterflies, frogs and toads, lizards, many kinds of birds, including the threatened California gnatcatcher and Cooper's hawk (a Species of Special Concern), coyotes, mule deer, bobcats, rabbits and ground squirrels were observed on the site.

The mitigation measures proposed in the SEIR are totally inadequate to allow wildlife movement in the area. As stated in MM 4.3-2, “An oversized culvert of at least 48 inches in diameter shall be installed under Las Posas Road in the southwestern corner of the project area. In addition, a second oversized culvert of at least 48 inches shall be installed under Street “A” within the central/southwestern section of the project area. These culverts shall be maintained so as to allow for the movement of wildlife, including bobcat and coyote, through the project area.”

In a letter to Jerry Backoff, Planning Director, City of San Marcos, dated August 5, 1999, the U.S. Fish and Wildlife Service and the California Department of Fish and Game stated:

“One of the key tenants of habitat conservation planning is to maintain viable habitat linkages between larger blocks of natural habitat. The San Marcos Highlands project is located at a ‘pinch point’ of remaining natural lands between a large block of undeveloped land to the south and east within the City, and another large block of undeveloped land to the northwest within the County’s jurisdiction. It appears that the proposed development would completely block this connection. ...the proposed housing development in Area 1 would likely preclude any significant wildlife movement. Therefore, we cannot concur that this project is consistent with the goals and objectives of the MHCP or the Natural Community Conservation Planning (NCCP) Program. To make his project consistent with regional habitat planning efforts, this project would need to be redesigned to maintain a natural east-west habitat linkage through the development.”

The project has not been adequately redesigned to maintain a natural east-west habitat linkage through the development. The only additional design features related to wildlife movement since the Agencies’ letter are an oversized culvert of at least 48 inches in diameter installed under street “A” and the reduction of housing units along the west border of Planning Area 1. The proposed housing units still block wildlife access to the waterway, which is essential for wildlife survival. Planning Area 1 in particular blocks access to the waterway, as does the major roadway, Las Posas Road, which runs along the west side of the wetlands. The design of the project will significantly and substantially interfere with wildlife movement.

The Highlands project as proposed violates the “Biological Goals, Standards, and Guidelines for Multiple Habitat Preserve Design” (Ogden, 1998) guidelines for wildlife corridors and linkages. On page 6-4 of that document, it states:

“Bridges are the preferred type of wildlife underpass; box and pipe culverts are infrequently used by deer [which are present in the Hedionda Creek Valley] ... but may be used by some smaller animals.” Also, “Underpasses targeted for deer movement should be at least 20 feet high.” No accommodation has been made in the project design to allow mule deer to cross the roadways. This is a hazardous situation for both the deer and motorists on the roads.

In addition to making no accommodation for deer to safely cross the roadways, the Highlands development violates other MHCP Design Guidelines for wildlife corridors and habitat linkages (see pages 6-2, 6-3, and 6-4 of the above-referenced document), as follows.

On page 6-4, item 8 states, “Minimize barriers such as major roads. Roads that cross corridors should provide underpasses allowing large mammals and other animals to cross. Roads crossing the corridor should be fenced by at least a 10-foot fence that channels animals toward the wildlife underpass. ...The length-to-width ratio of wildlife underpasses should be less than 2.”

Item 7 on page 6-4 states, “Corridors should have a minimum amount of human disturbance, especially at night, and have low ambient noise levels during the time

(nighttime) that the target species are expected to use the corridor. Corridors should be shielded from artificial lighting from adjacent development.”

The Highlands project needs to adhere to the design guidelines of the MHCP, as the project falls within the Northern Focused Planning Area of the City of San Marcos’ MHCP Subarea Plan. The following item will comment further on the MHCP and San Marcos’ draft Subarea Plan.

This concludes my comments on the Biological Resources section of the SEIR.

III. Conflicts with applicable habitat conservation plans/natural community conservation plans.

This subject is addressed on page 4.1-4 of the SEIR, which correctly states that there are no adopted habitat conservation plans or natural community conservation plans applicable to the project site. However, the City of San Marcos is participating in the Multiple Habitat Conservation Program (MHCP), which is now in its final stages. The City of San Marcos has released a draft subarea plan under the MHCP entitled “Natural Community Conservation Plan for the City of San Marcos.”

The Highlands project is not consistent with the goals of the regional MHCP. The MHCP identifies this area as a “habitat linkage” which provides habitat and opportunities for wildlife movement (Biological Goals, Standards, and Guidelines for Multiple Habitat Preserve Design, Ogden, Feb. 1998, pp. 6-1, 6-2.)

As stated in the MHCP Goals, Standards and Guidelines document (page 6-2), the goals of the MHCP with regard to habitat linkages are:

“1. Maintain local habitat linkages (i.e., within the MHCP area) by conserving/enhancing natural connections to allow access to necessary resources that otherwise may be impeded by development.

2. Provide the opportunity for regional habitat linkages (i.e., between regions and subregions) by adequately conserving natural connections between large areas of conserved native habitat inside and outside of the MHCP area.

3. Where regional habitat linkages are not possible, maintain local movement corridors between habitat patches where feasible.”

The Highlands project violates the above goals by placing a high-density residential development in the middle of a wildlife corridor and bisects the wildlife corridor with a roadway along the wetlands. The proposed mitigation measures are totally inadequate to protect this area as a wildlife corridor, as discussed in the previous section on Biological Resources.

The Highlands development also violates the Design Guidelines for wildlife corridors

and habitat linkages (pages 6-2, 6-3, and 6-4 of the above-referenced document). These MHCP design guidelines were detailed in the preceding discussion of Biological Resources.

The two culverts under the roadways in the proposed project are woefully inadequate to meet the goals of the MHCP relating to preservation/conservation of wildlife corridors. The blocking of access to the waterway by the housing development, especially in Planning Area 1, and by Las Posas Road will destroy the wildlife corridor. This is a highly significant environmental impact and one which the MHCP, through its goals and guidelines, is trying to prevent.

As regards the City of San Marcos' subarea plan, it is clear that the City has designed the MHCP preserve areas around development proposals, such as the Highlands. This is faulty planning, and is contrary to the goals of the MHCP which include preserving remaining valuable habitat in North San Diego County and preventing further fragmentation of habitat.

It is also clear that the City of San Marcos' plan to conserve only 51% of its remaining CSS, as shown in Table 3-14 of the Public Review Draft MHCP Plan (Ogden, Nov. 2000), is insufficient to protect this valuable resource, which is the "backbone of the MHCP preserve" (Ogden, Nov. 2000, p. 3-16). As noted previously, the City of San Marcos has already allowed an excessive amount of CSS to be removed.

Therefore, while the Highlands development may conform with San Marcos' subarea plan, the plan itself does not appear to conform with the goals of the MHCP.

In conclusion, I dispute the statement in the SEIR that there is "no impact" as regards applicable habitat conservation plans/natural community conservation plans.

IV. Other Comments

The California Dept. of Fish and Game wrote a comment letter on the NOP, dated May 7, 2001. They asked that the SEIR address a number of issues, many of which it does not address. One of these issues is on page 3 of their letter, item e. This item requests discussions regarding project impacts on off-site habitats. This information was not included in the SEIR.

Another item they requested was all pertinent information and data pertaining to potential or real impacts to least Bell's vireo, light-footed clapper rail, and raptors (item c.). Information is available about the presence of least Bell's vireo directly south of the Highlands site; it is contained in letter dated August 23, 1999, from Jeffrey R. Lundstrom, Lundstrom & Associates, to Betty Dehoney of P&D Technologies regarding the proposed extension of Las Posas Road up to the Highlands property.

The letter indicates that a least Bell's vireo was heard vocalizing within the wetland vegetation directly south of the Highlands project.

V. Mandatory Findings of Significance

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?

Comment: This proposed project will degrade the quality of the environment by placing 230 clustered dwelling units in an undeveloped, undisturbed valley. The valley includes riparian habitat, which will be disturbed. It also includes habitat (CSS) for a threatened species, the coastal California gnatcatcher. The proposed development will destroy over 40% of the CSS on the property. This area is officially recognized as a wildlife corridor and one of the few relatively large blocks of natural open space remaining in the region. Placing a high-density development in the middle of this wildlife corridor, along with a major road along the waterway, will destroy its environmental value. These are major impacts. The proposed mitigation measures will not reduce the environmental impact to a "less than significant" level.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Comment: The impacts of this proposed project are cumulatively considerable. Neighboring development activity has already removed a tremendous amount of natural vegetation and degraded the waterway by construction and urban runoff. More development, such as the Highlands project, will further destroy the valley and waterway, causing severe and irreversible environmental damage.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comment: The project has environmental effects which will cause adverse effects on human beings, both directly and indirectly. First, it will introduce a high-density development into an area surrounded by large-lot residences and agricultural uses. It will degrade the quality of life of the people who live around the Hedionda Creek Valley, in the unincorporated area. It will affect their property values.

The extension of Las Posas Road, upon which this development depends, is growth-inducing and will no doubt lead to more development in the valley and hillsides, resulting in more environmental degradation, more population, air pollution, noise, traffic congestion, school overcrowding, water contamination, strain on water supplies and

facilities, and strain on the wastewater treatment systems and other public facilities. These are significant impacts.

Thank you for your consideration of my comments. Please call me at 760-510-9684 if you have any questions.

Yours truly,

Mary H. Clarke