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August 11, 2009

Mr. Sid Morris
Sycuan Band of the Kumeyaay Nation
5459 Sycuan Road
El Cajon, CA 92019

RE: Comments on the Environmental Assessment Fee-to-Trust, April 2009

Dear Sid:

Thank you for the opportunity to meet with you and to review the Environmental Assessment (EA) for the referenced project. I especially commend you and the tribe for including the Natural and Cultural Resources Management Plan (RMP) as part of the proposed project.

As you know, I have personally been engaged in conservation planning in San Diego County for 20 years and was the project manager and senior author of the Multiple Species Conservation Program (MSCP) plan. Since completion of the plan, I have been actively involved in acquisition, management, and monitoring to meet the conservation goals of the MSCP.

Therefore, I will restrict my comments to the (1) inconsistency of the proposed land uses with the stated goals of the RMP and local regulations (i.e., the MSCP), and (2) the deficiencies of the habitat evaluation.

Goals of the RMP (p. 2-3 of the EA and p. 3 of the RMP)

- *Preferentially conserve rare habitats and those habitats known or likely to be occupied by threatened and endangered species of plants and animals, such as Diegan Coastal Sage Scrub.*
- *Maintain viable wildlife corridors across the Sycuan Property to allow animal movement as part of the long-term health of habitats within the Plan.*

Local regulations (p. 3.5-3 of the EA and pp. 3-5 of the RMP)

- *The proposed Resources Management Plan (Appendix A) provides a clear statement of the Tribe's intent to manage a significant portion of the Sycuan Property and existing trust lands in a manner that is consistent with the goals and standards of the MSCP.*
- *The Plan's implementation and conservation efforts are similar to and consistent with the goals and standards of the Multiple Species Conservation Plan (MSCP) for San Diego County.*
- *The Plan conducts analyses and determines the relative values of the natural and cultural resources on the Tribal properties given existing biological resources, and surrounding resources (e.g. wildlife movement)….*

Habitat evaluation

The HMP presents a habitat evaluation of natural resources on Tribal lands. The evaluation criteria are:

> *based on current location, scarcity, condition of the habitat (disturbed or previously disturbed), their value for currently listed species in the area (i.e., California gnatcatcher and Coastal Sage Scrub), and regional values (such as suitability for wildlife corridors). Other related considerations to be used in the evaluation of the relative value of lands under this Plan include: proximity to existing preserved habitat areas or the ability of the areas to function as corridors between such areas;…*

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1. Inconsistency of the proposed land uses with the goals of the RMP and local regulations

a. The impacts of the proposed locations for the Dehesa Road housing, RV spaces, and Sloan Canyon Road Olive Grove housing—all of which are within an MSCP core area and therefore the County's Pre-approved Mitigation Area (PAMA)—are <u>not</u> consistent with the stated goals of the RMP. The proposed project in these areas will impact listed species, in particular the California gnatcatcher and arroyo toad, and sever a regional wildlife corridor between existing conserved lands, as elaborated on further below.

2. Deficiencies of the habitat evaluation

a. The evaluation does not consider the role of the Fee-to-Trust (FTT) area within the region around it, nor does it consider the relationship of habitats and resources within the FTT area itself.

The area proposed for the Dehesa Road housing includes both disturbed coastal sage scrub, ranked as low importance by the RMP, as well as coastal sage scrub ranked as high importance by the RMP. Both communities have the same native shrub species, but the disturbed sage scrub has a higher percentage of nonnative grasses and forbs. Together they comprise a continuum of unfragmented habitat on the south-facing slopes above

Dehesa Road, with the disturbed area occurring adjacent to Dehesa Road, thus serving as a buffer to the high importance habitat. California gnatcatchers occur throughout the habitat blocks north and south of Dehesa Road, both on FTT lands and adjacent lands. The EA acknowledges that the California gnatcatcher will be impacted, but does not address how these impacts will affect gnatcatchers in adjacent habitat north and south of the FTT area.

The fact that a disturbed habitat is within a core block of high quality habitat (i.e., its regional context) contributes to its importance to reserve design.

b. The impact analysis does not acknowledge impacts to the arroyo toad, given river dynamics. The Sloan Canyon Olive Grove housing is proposed for an area between designated arroyo toad mitigation sites, as shown on Figure 9 of the RMP. The proposed development will indirectly affect arroyo toad habitat via changes in stream hydrology and water quality.

Furthermore, the new development area would bisect the arroyo toad population along the river. Genetic studies support the contention that maintenance of habitat linkages is critical to the toad's recovery. Research on the genetics of arroyo toad populations suggests that, to contribute to recovery of the toad, dispersal processes along stream corridors in the remaining habitat must be preserved (Shanahan 1998). Further fragmentation of arroyo toad habitat, including areas upland from drainages, may be considered a detriment to species recovery (O. Ryder pers. comm.). Continued loss of habitat will adversely affect the genetic diversity of the metapopulation in this area.

Therefore, the fact that this disturbed habitat is between and linked by areas of high importance habitat (i.e., its regional context) increases the importance of this area to arroyo toads.

c. While the HMP purports to use principles of conservation planning, it does not integrate these principles into a reserve design that considers ecological relationships, the final step in any habitat evaluation process, as illustrated in the examples above. Furthermore, the RMP habitat evaluation includes land use planning elements (e.g., proximity to existing infrastructure and accessibility), which are extremely important to land use planning, but which should be kept separate from the evaluation of natural resources and ecological processes.

d. Unfortunately, the analysis does not use the most current conserved lands database, showing conserved lands both immediately north and south of the FTT area. The fact that these conserved lands are within the acquisition boundary of the Otay-Sweetwater unit of the San Diego National Wildlife Refuge (the regional context) increases the importance of keeping them intact.

e. The analysis does not acknowledge the regional wildlife corridor between the northern part of the Otay-Sweetwater refuge (north of Dehesa Road) and Sloan Canyon, described by the Conservation Biology Institute (2002). In fact, if CBI had been contacted, as stated on p. 6-2 of the EA, we would have provided this report. As a result of cumulative impacts throughout the area, there is currently a chokepoint for wildlife movement across Dehesa Road between Sloan Valley Road and Dehesa Valley. Specifically, there is a

documented at-grade crossing of Dehesa Road just west of the elementary school, as further confirmed by recent studies by the Wildlife Tracking Institute (2009). Even without these studies, the consultants should have noted the deer crossing signs through this area along Dehesa Road.

f. The RV area will also impact the regional wildlife corridor. In fact, the area along the north shore of Lake Emma serves as part of this tenuous habitat linkage across Dehesa Road. The increase in traffic on Dehesa Road as a result of the Dehesa Road housing and RV area will further impact the regional wildlife corridor.

In summary, the habitat evaluation of the RMP lacks the final step—integrating the project area into the regional setting and developing a reserve design. Land use planning, including the evaluation of areas not important to the reserve design, proximity of infrastructure, accessibility, etc., should follow the reserve design step.

I would like to offer my services in assisting your consultants with completing the reserve design step of the evaluation, including providing more current information for their review, and helping to reconcile development objectives with the Tribe's commitment to preserve its natural and cultural resources. I believe this can be achieved. The Sycuan tribe and the lands it has historically valued have a critical role to play in ensuring the continued conservation of the natural heritage of this region.

Sincerely,

Jerre Ann Stallcup, M.A.
Conservation Biologist

Cc: Adam Day
Ted Griswold

Conservation Biology Institute (CBI). 2002. Analysis of habitat linkages to the Crestridge Ecological Reserve. Report funded through a grant from the California Department of Fish and Game.

Shanahan, J. 1998. Characterization of nine highly polymorphic microsatellite loci for use in examination of population subdivision and genetic diversity in the endangered arroyo toad (*Bufo microscaphus californicus*). M.S. Thesis. University of California, San Diego, CA.

Wildlife Tracking Institute (WTI). 2009. Peutz Valley, Chocolate Canyon, Harbison Canyon, Crestridge Open Space and associated corridor monitoring and habitat assessment project. Prepared for Endangered Habitats Conservancy. July.