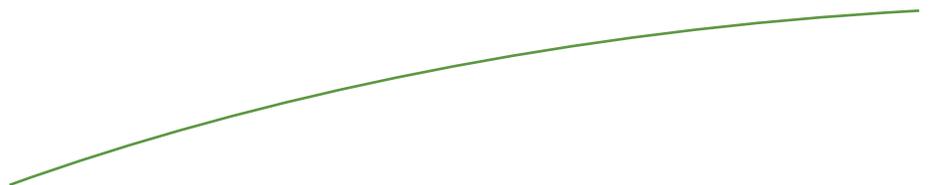




Appendix H

RESPONSES TO PUBLIC COMMENTS





Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

December 4, 2015

LAuren Esposito
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: San Diego River Trail - Qualcomm Stadium Segment
SCH#: 2015111010

Dear LAuren Esposito:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 3, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3013 www.opr.ca.gov

A-1 This comment letter confirms receipt and distribution of the draft IS/MND and documents project compliance with State Clearinghouse review requirements for the draft IS/MND pursuant to CEQA. No further response is required.

A-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015111010
Project Title San Diego River Trail - Qualcomm Stadium Segment
Lead Agency San Diego Association of Governments

Type MND Mitigated Negative Declaration

Description The proposed project would consist of Class I bikeway and is located in the Mission Valley community of the City of San Diego, along an approx. 0.8 mile segment extending eastward from the terminus of Fenton Parkway along a vegetated slope behind the Fenton Marketplace shopping center and through the southern portion of the Qualcomm Stadium parking lot to connect with Rancho Mission Road. Most of the trail would occur on existing paved surfaces within the stadium parking lot. The San Diego River is located adjacent to the trail on the south; however, the trail would not encroach into the river corridor. Construction of the trail would remove a total of approx. 56 parking spaces within the Qualcomm Stadium parking lot. These spaces are not public parking spaces, but are utilized for events at the stadium.

Lead Agency Contact

Name LAuren Esposito
Agency San Diego Association of Governments
Phone 619-595-5374 **Fax**
email
Address 401 B Street, Suite 800
City San Diego **State** CA **Zip** 92101

Project Location

County San Diego
City San Diego
Region
Lat / Long 38° 46' 50" N / 117° 7' 12" W
Cross Streets Fenton Parkway/Northside Drive
Parcel No. 433-101-08, 101-09, 250-13, 250-16
Township **Range** **Section** **Base**

Proximity to:

Highways I-8, 15
Airports
Railways MTS Trolley
Waterways San Diego River
Schools Various
Land Use Commercial Regional, Commercial Visitor, Multiple Zone/Specific Plan

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Vegetation; Water Quality; Wetland/Riparian; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission

Date Received 11/04/2015 **Start of Review** 11/04/2015 **End of Review** 12/03/2015

COMMENTS

RESPONSES

From: [Kershek, Lauren](#)
To: [Esposito, Lauren](#)
Cc: [Schlitt, Paul@Wildlife](#)
Subject: Comments on SD River Trail Qualcomm Stadium Segment draft MND
Date: Thursday, December 03, 2015 3:47:09 PM

In Reply Refer To:
 FWS-SDG-16B0080-16CPA0045

Dear Ms. Esposito,

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Initial Study/Mitigated Negative Declaration (MND), dated November 2015, for the San Diego River Trail – Qualcomm Stadium Segment Project within the City of San Diego. The comments provided herein are based on the draft MND and associated documents, our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act.

The San Diego Association of Governments (SANDAG) proposes to construct a 0.8 mile segment of the San Diego River Trail through Qualcomm Stadium in the Mission Valley community of the City of San Diego. The project will result in impacts only to non-native vegetation and disturbed/developed areas. Construction of portions of the project will occur adjacent to riparian habitat in the San Diego River.

We offer the following comment to assist SANDAG in avoiding and minimizing project-related impacts to biological resources:

- The draft MND states that the federally endangered least Bell's vireo (*Vireo bellii pusillus*, vireo) has not been detected near the project area. However, annual protocol surveys of the San Diego River have consistently detected vireos immediately adjacent to the project area since 2009 (Lynn and Kus 2012). Therefore, construction should be conducted outside the breeding season (March 15 to September 15). If construction during the breeding season cannot be avoided, we recommend that SANDAG contact the Service for measures to avoid impacts to nesting vireos.

We appreciate the opportunity to comment on the draft MND. Please contact me at the phone

B-1 This comment provides introductory statements and no further response is required.

B-2 As stated in Section 7.4.a of the IS, the federally- and state-endangered least Bell's vireo has the potential to occur within habitat adjacent to the proposed bike path alignment, but outside of the proposed project's impact limits. While the IS notes that the least Bell's vireo was not observed in the most recent surveys conducted within the portion of the river adjacent to the project site (2013 surveys conducted for the City of San Diego Public Utilities Department), the final IS/MND has been revised to acknowledge that previous surveys conducted by the United States Geological Survey (USGS) for the San Diego River Conservancy

COMMENTS

RESPONSES

B-3 cont. number below if you have any questions or comments regarding these comments.

Lauren Kershek
Biologist (Endangered Species)
U.S. Fish and Wildlife Service
2177 Salk Ave, Suite 250
Carlsbad, CA 92008
(760) 431-9440 x208

Literature Cited:

Lynn, S. and B.E. Kus. 2014. Distribution, abundance, and breeding activities of the least Bell's vireo along the San Diego River, California. 2008-2012 Summary Report. Prepared for the San Diego River Conservancy, San Diego, California.

B-2 cont. (Lynn S. and Kus B. 2014. Distribution, Abundance, and Breeding Activities of the Least Bell's Vireo along the San Diego River, California. 2008 to 2012 Summary Report) observed least Bell's vireo within the adjacent river corridor, including some locations within 500 feet of the project site in 2009, 2010, 2011, and 2012. However, the revisions do not change the assessment in the IS that the project could result in a potentially significant indirect impact to this special status species if construction activities occur during its breeding season (March 15 through September 15). Mitigation measures are identified in the IS and Mitigation Monitoring and Reporting Program (MMRP) of this final IS/MND (BIO-1 and BIO-2) that would reduce potential indirect impacts to below a level of significance during construction activities within the breeding season. The avoidance of construction during the breeding season will most likely not be feasible. Therefore, SANDAG will contact the Service and identify and implement avoidance and minimization measures to avoid and/or reduce impacts to nesting vireos, as applicable.

B-3 These are concluding statements and no further response is required.



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



December 3, 2015

Lauren Esposito, Environmental Planner
 San Diego Association of Governments
 401 B Street, Suite 800
 San Diego, CA 92101

Subject: Comments on the public Notice of Intent to Adopt a Mitigated Negative Declaration for the San Diego River Trail – Qualcomm Stadium Segment Project (File Number 1223052; SCH# 2015111010)

Dear Ms. Esposito:

The California Department of Fish and Wildlife (Department), has reviewed the draft Mitigated Negative Declaration (MND) for the San Diego River Trail – Qualcomm Stadium Segment Project, dated November 4, 2015. The comments provided herein are based on the draft MND and associated documents (including the Biological Resources Letter Report for the San Diego River Trail Qualcomm Stadium Segment Project, prepared by Helix Environmental Planning, dated October 21, 2015), our knowledge of sensitive and declining vegetation communities in the City of San Diego, and our participation in regional conservation planning efforts.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 et seq.), Fish and Game Code Section 1600 et seq., and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program.

The San Diego Association of Governments (SANDAG) proposes to construct a 0.8 mile segment of the San Diego River Trail through Qualcomm Stadium in the Mission Valley community of the City of San Diego. The proposed segment of trail would extend eastward from the terminus of Fenton Parkway along a vegetated slope behind the Fenton Marketplace shopping center and extend along the southern perimeter of the Qualcomm Stadium parking lot to connect with Rancho Mission Road. Construction of the trail would remove 56 parking spaces within the Qualcomm Stadium parking lot.

The Department offers the following comments and recommendations to assist SANDAG in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with regional habitat conservation planning efforts.

1. According to the discussion provided in the initial study's Land Use and Planning section, the proposed project was determined to not conflict with the applicable goals and guidelines contained in the San Diego River Park Master Plan (SDRPM).

Conserving California's Wildlife Since 1870

C-1 This comment provides introductory statements and no further response is required.

C-2 The project entails constructing a portion of the San Diego River Trail through the Qualcomm Stadium parking lot in an area within the boundaries of the portion of the San Diego River Park addressed in the San Diego River Park Master Plan. The project is not implementing the San Diego River Park Master Plan and, thus, is not subject to the design criteria and guidelines contained in the San Diego River Park Master Plan. Moreover, the proposed alignment through the Qualcomm

COMMENTS

RESPONSES

Lauren Esposito, Environmental Planner
San Diego Association of Governments
December 3, 2015
Page 2 of 3

However, the discussion is limited to referencing that the intent of the SDRPMP is to create a connected continuum, with a sequence of unique places and experiences, and the plan recommends creating a continuous multi-use trail San Diego River Pathway from the Pacific Ocean to the City of Santee. The discussion does not include the various design criteria provided in the SDRPMP. For example, the SDRPMP identifies that the "River Corridor Area will include the river itself and the land immediately adjacent to it. This corridor will be measured by the 100-year Floodway, as mapped by FEMA, plus 35 feet on either side of the floodway." The SDRPMP identifies that a 35-foot wide area will provide an opportunity for wildlife habitat, native vegetation and a multi-use pathway to accommodate people. It will be a natural environment providing for the river ecology, enhancement of wildlife habitat and movement, and allowing for passive recreation, such as walking, bicycling, sitting and observation. Also, the SDRPMP calls for a River Influence Area that will adjoin the River Corridor Area and extend 200 feet on either side of the River Corridor Area. Furthermore, the SDRPMP provides design guidance specific to the Qualcomm Stadium, including: (1) create primarily natural open space located between the trolley and the river; (2) extend open space corridor to create new habitat and trail connection to Murphy Canyon; and (3) natural riparian and upland habitat areas. With respect to the current trail alignment, the initial study is silent on whether the current trail alignment followed any of the aforementioned design elements.

According to the proposed trail alignment (i.e., Figure 3), the portion of the trail through the stadium parking lot (Station 18+59 to 49+77) would extend along the southern edge of the parking lot, south of the perimeter road, and would pass under the trolley overcrossing structure in the east end of the stadium parking lot. We were unable to find a corresponding figure that depicts the location of the 100-year floodway, 35-foot corridor or River Influence Area, as referenced in SDRPMP. We believe an opportunity exists at this stage for SANDAG to incorporate the key design guidelines identified in the SDRPMP for this segment of San Diego River Trail. The SDRPMP acknowledges that "wildlife habitat within the river valley are disconnected, impaired and isolated from upland habitat", therefore we strongly encourage SANDAG to reevaluate the current design and consider utilizing the 35-foot corridor for habitat improvement, as opposed to limiting the trail to the southern edge of the parking lot.

- 2. The southern and eastern areas of the current stadium parking lot, despite being fully paved, are periodically subject to inundation from Murphy Canyon Creek and the San Diego River and, as such, are a component of the stream bed and channel. Any project activity that will divert or obstruct the natural flow of, or change or use material from the bed, channel, or bank (which may include associated riparian resources) of a river or stream, including an activity that seeks to exclude the stream from its floodplain, such as installation of fill to bring portions of the site out of the 100-year flood zone, could trigger the need for the project applicant (or "entity") to notify the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department would determine whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA would require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider SANDAG's MND for the project. To minimize additional requirements by the Department pursuant to

C-2 Stadium parking lot is anticipated to be an interim alignment until such cont. time the San Diego River Park Master Plan can be implemented.

C-3 As stated in response C-2 above, the project is not subject to the design criteria and guidelines contained in the San Diego River Park Master Plan.

C-4 As identified in Sections 7.4.b and 7.4.c of the IS, the project would not impact riparian habitat or waters under the jurisdiction of the California Department of Fish and Wildlife. Section 7.9.h of the IS notes that portions of the bike path would be located within a mapped 100-year flood hazard area, but the proposed improvements are within the paved parking lot of Qualcomm Stadium and would not impede or redirect flood flows. Given that no impacts related to riparian resources or floodplain exclusion would occur, the project would not require a Lake and Streambed Alteration Agreement.

COMMENTS

RESPONSES

Lauren Esposito, Environmental Planner
San Diego Association of Governments
December 3, 2015
Page 3 of 3

section 1600 et seq. and/or under CEQA the document should fully identify the potential impacts to the stream or riparian resources, including flood plain exclusion, and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.

- 3. The MND states that the federally and State endangered least Bell's vireo (*Vireo bellii pusillus*, vireo) has not been detected near the project area. However, annual protocol surveys of the San Diego River have consistently detected vireos immediately adjacent to the project area since 2009 (Lynn and Kus 2012). Therefore, we recommend that construction be conducted outside the breeding season (March 15 to September 15). If construction during the breeding season is unavoidable, consultation with the U.S. Fish and Wildlife Service and Department should be initiated to determine appropriate avoidance and minimization measures.

We appreciate the opportunity to comment on the draft MND for the project and to assist the SANDAG in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that SANDAG has regarding our concerns and to receive notification of the forthcoming hearing date for the project. If you have questions or comments regarding this letter, please contact Paul Schliitt/NCCP at (858) 637-5510 or via e-mail at Paul.Schliitt@wildlife.ca.gov.

Sincerely,

Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: State Clearinghouse, Sacramento
David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad
Lauren Kershek, U.S. Fish and Wildlife Service, Carlsbad

Literature Cited:

Lynn, S. and B.E. Kus. 2014. Distribution, abundance, and breeding activities of the least Bell's vireo along the San Diego River, California. 2008-2012 Summary Report. Prepared for the San Diego River Conservancy, San Diego, California.

C-4
cont.

C-5

C-6

C-5 As stated in Section 7.4.a of the IS, the federally- and state-endangered least Bell's vireo has the potential to occur within habitat adjacent to the proposed bike path alignment, but outside of the proposed project's impact limits. While the IS notes that the least Bell's vireo was not observed in the most recent surveys conducted within the portion of the river adjacent to the project site (2013 surveys conducted for the City of San Diego Public Utilities Department), the final IS/MND has been revised to acknowledge that previous surveys conducted by the USGS for the San Diego River Conservancy (Lynn S. and Kus B. 2014. Distribution, Abundance, and Breeding Activities of the Least Bell's Vireo along the San Diego River, California. 2008 to 2012 Summary Report) observed least Bell's vireo within the adjacent river corridor, including some locations within 500 feet of the project site in 2009, 2010, 2011, and 2012. However, the revisions do not change the assessment in the IS that the project could result in a potentially significant indirect impact to this special status species during construction activities within the breeding season (March 15 through September 15). Mitigation measures are identified in the IS and MMRP of this final IS/MND (BIO-1 and BIO-2) that would reduce potential indirect impacts to below a level of significance if construction activities cannot avoid the breeding season. The avoidance of construction during the breeding season will most likely not be feasible. Therefore, SANDAG will contact the Service and identify and implement avoidance and minimization measures to avoid and/or reduce impacts to nesting vireos, as applicable.

C-6 These are concluding statements and no further response is required.

COMMENTS

RESPONSES

From: jnugent50@aol.com
To: [Esposito, Lauren](#)
Cc: rhutzel@sandiegoriver.org; dottie.surdi@svn.com; SDRiverTrail@schmidtsgdesign.com; [Vance, Stephan](#)
Subject: San Diego River Trail - Qualcomm Stadium Segment Project Draft Initial Study/Mitigated Negative Declaration
Date: Thursday, November 05, 2015 7:40:36 AM

D-1 I am submitting this comment on the **San Diego River Trail - Qualcomm Stadium Segment Project Draft Initial Study/Mitigated Negative Declaration** while also seeking clarification on this project: The documents state "The proposed project would consist of Class I bikeway, which is a path that provides a separated right-of-way for the exclusive use of people walking and riding bikes, extending eastward from the terminus of Fenton Parkway along a vegetated slope behind the Fenton Marketplace shopping center and through the southern portion of the Qualcomm Stadium parking lot to connect with Rancho Mission Road."

D-2 Does the "separated right-of-way for the exclusive use of people walking and riding bikes" mean that it is separated from motorized vehicles **OR** does it mean that the pathway will have a "separated right-of-way for the exclusive use of people walking and riding bikes" mean that the path will be divided with separate lanes for bikes and separate lanes for pedestrians?

D-3 It appears to me from the documents that the intent of this **San Diego River Trail - Qualcomm Stadium Segment Project** is to expand the Regional Bike Path, where pedestrians appear to be considered as a secondary nuisance. Is it the intent of this document that pedestrians will be regulated to the "shoulder" (as is proposed for the realignment of the Ocean Beach/Sefton Field portion of the path) where they walk single file in order for bicyclists to ride by at speeds of 10-20km/hr, creating an extremely unsafe environment for pedestrian families with small children or pedestrians with animals or are the pedestrians to share the path with bicyclists trying to ride the same path at speeds of 10-20km/hrm?.

D-4 From my perspective there should be dedicated bike lanes going opposite directions on each side of the path (shoulders) with the center portion of the path being designated as a pedestrian walkway, where pedestrians can naturally walk side by side in a social manner rather than the "hiking manner" proposed in the Ocean Beach/Sefton Field portion of the pathway.

John W. Nugent
 5765 Friars Rd #150
 San Diego, CA 92110
 (619) 772-8855

D-1 This comment provides introductory statements and no further response is required.

D-2 Class I bikeways are shared-use paths that are physically separated from motorized vehicular traffic. Class I bikeways accommodate people walking and riding bicycles and other non-motorized modes of travel. Separate lanes for bicycles and pedestrians are not typically included in the design of Class I bikeways and will not be a feature of this project.

D-3 The proposed Class I bikeway would be a shared, multi-use facility whereby people riding bikes yield to people walking. Pedestrians would not be required to use the shoulders of the bike path. This is standard practice in San Diego and nationally.

D-4 Thank you for your suggestion on bike path design. The proposed project is being designed per California Department of Transportation (Caltrans) standards (Highway Design Manual, Chapter 1000, Bikeway Planning and Design) as described in the San Diego Regional Bicycle Plan, Riding to 2050. As noted in the Caltrans design criteria, separate pedestrian and bicycle facilities are necessary only when significant pedestrian use is anticipated, and significant pedestrian use is not anticipated for the proposed project as it is not in an area where walking is a common mode of transportation, such as a beach boardwalk.