



U.S. Fish & Wildlife Service

# San Diego National Wildlife Refuge

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*Comprehensive Conservation Plan  
Volume 3A (Appendix F-2)  
May 2017*



**U.S. Fish & Wildlife Service**

# **San Diego National Wildlife Refuge Comprehensive Conservation Plan**

*Volume 3A*

*Appendix F-2 of the Environmental Assessment,  
Response to Comments*

*U. S. Fish and Wildlife Service  
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## Appendix F-2. Responses to Comments on the Draft CCP/EA

### 1. Introduction

Public involvement is an essential component of the CCP and NEPA process, and the San Diego NWR has been engaged in public involvement since the San Diego NWR CCP was initiated in 2006. This initial public involvement included the distribution of two planning updates in 2006 to over 650 landowners, organizations, agencies, Tribes, and individuals. Two public scoping meetings were held in 2006, a public use workshop was held in 2007, and a trails workshop was held in 2008. All workshops were well attended. Following these meetings, the comments received were compiled and preliminary management alternatives were prepared. These preliminary alternatives were described and comments solicited in a Planning Update, distributed to over 700 individuals and entities, in March 2008.

The draft CCP/EA for the San Diego National Wildlife Refuge (SDNWR) was released for public comment on June 19, 2014 for a 60-day comment period. Also on June 19, a Notice of the Availability of the draft CCP/EA was published in the Federal Register (79 FR 35183). More than 1,500 notices were distributed to individuals, agencies, local community groups, and interested organizations announcing both the availability of the draft CCP and the opportunity to attend a public meeting, which was held on July 15, 2014. During the initial public comment period, Refuge staff also presented the proposals in the draft CCP to the five San Diego County community planning groups whose community boundaries overlap the Refuge boundaries.

Based on the level of interest in the draft CCP/EA, the comment period was extended for an additional 30 days. Approximately 1,500 postcards were mailed out to inform the public of the time extension. In addition, a notice was published in the Federal Register on September 2, 2014 (79 FR 52037) stating that the public comment period had been reopened until September 17, 2014.

As a result of concerns raised about the trail proposals included in the draft CCP/EA, four additional community meetings were held specifically to gather public input on trails. These meetings were held on August 20 (focusing on trails in the Jamul community), August 25 (focusing on trails in the Spring Valley/Rancho San Diego/Valle de Oro communities), August 26 (focusing on trails in the Bonita/Sweetwater area), and September 10 (focusing on trails in the Dehesa/Sloane Canyon area). Although each of these trail meetings was focused on a specific area, comments were accepted for any area within the Refuge boundaries.

The Refuge received more than 35,800 written communications on the draft CCP/EA, including 637 original letters and emails and 35,189 organized email petition responses (related to hunting) from two different sources. In addition, a petition, signed by numerous individuals (some of whom also submitted separate comments) was submitted to the Refuge office that expressed strong concerns about the trail plans presented in the alternatives.

The comments received were reviewed and individual comments were catalogued by topic. Comments are summarized in this appendix and arranged by major topic then by specific topic. Under each major topic or specific topic a statement is provided that summarizes the issue raised and quotes from one or more comments, presented in italics, are provided for context. The issues may have been raised by one or multiple commenters.

The U.S. Fish and Wildlife Service (Service) response follows the issue statement and quotes. Major topics addressed and page numbers where the comments and responses start are presented in Table 1. All original comments and the names and addresses of all respondents are stored in the project file.

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## 2. Responses to Comments

### A. Manage the Refuge consistent with Refuge purposes and goals

#### A-1 – Protection of listed and sensitive species

- *It is imperative that the Service re-establish the fact that this area was set aside for a Wildlife Refuge not recreation! Many feel this is "their" land and should be able to do what they want.*
- *As much as possible, we believe that the U.S. Fish and Wildlife Service needs to be true to the Refuge Act, the legislation that established the National Wildlife Refuge System . . . We support a wildlife refuge that, consistent with its primary MSCP obligations, puts wildlife first and ensures that public use does not exceed an amount that is fully compatible with this primary mission.*
- *I have grown weary of the attitude that the refuge is here for human recreational use instead of the primary purpose: a protected home for a multiplicity of plants and animals, and sanctuary for sensitive habitat and threatened and endangered plants and animals.*
- *I understand that public use is part of the refuge directive, but should not compromise the health and sustainability of local and native wildlife species, especially species sensitive to human disturbance.*
- *As a member of the Endangered Habitats League, the Sierra Club, and several other conservation organizations, [we] support a wildlife refuge that, consistent with its primary MSCP obligations, puts wildlife foremost and ensures that all public use is fully compatible and enforceable.*

Throughout the planning process, we have taken into consideration the need to comply with the purposes for which the Refuge was established, as well as to ensure that the uses permitted on the Refuge are compatible with Refuge purposes, including the Refuge's role in the implementation of the San Diego Multiple Species Conservation Program (MSCP). Other Refuge purposes include the conservation of species listed as endangered or threatened pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. §1534) and incidental wildlife-oriented recreational development pursuant to the Refuge Recreation Act of 1962, as amended (16 U.S.C. 460k-460k-4). The Land Protection Plan (LPP) for the Otay-Sweetwater Unit of the San Diego NWR<sup>1</sup>, states that the "purpose of the San Diego National Wildlife Refuge is to protect, manage, and restore habitats for federally listed endangered and threatened species and migratory birds and to maintain and enhance the biological diversity of native plants and animals."

The Service's Policy on Compatibility (603 FW 2) permits the use of any area within the Refuge System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever it is determined that such uses are compatible. A significant directive of the Refuge Administration Act, which provides the authority for permitting such compatible uses, is to ensure that we maintain the ecological integrity of the National Wildlife Refuge System for present and future generations of Americans.

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<sup>1</sup> U.S. Fish and Wildlife Service (USFWS). 1997. Environmental Assessment and Land Protection Plan. Otay-Sweetwater Unit, San Diego National Wildlife Refuge, San Diego County, California.

The trail plan included in the Final CCP has been designed to avoid sensitive resources and minimize habitat fragmentation by providing large areas of undisturbed habitat to support the sensitive species this Refuge was established to protect. At the same time, the trail system is intended to provide visitors with the opportunity to enjoy and appreciate the resources being protected within the Refuge for current and future generations.

With the assistance of the trail user community and a volunteer trail patrol, we can minimize impacts related to off-trail activity and improve trail sustainability to ensure that trail use remains a compatible use on the Refuge.

#### **A-2 – Consistency of feral pig eradication with Refuge purposes**

- *The proposed plan to eradicate feral pigs is not compatible with the mission and purpose of the San Diego Wildlife Refuge.*

The control and eradication of feral pigs is not only compatible with the mission and purpose of the Refuge, it is also specifically addressed as a management action on National Wildlife Refuges in the Code of Federal Regulations (CFR). As stated in Response A-1, the “purpose of the San Diego National Wildlife Refuge is to protect, manage, and restore habitats for federally listed endangered and threatened species and migratory birds and to maintain and enhance the biological diversity of native plants and animals.” Refuge policy also requires that we maintain the ecological integrity of the lands protected within the Refuge. Allowing feral pigs to establish a presence on the Refuge would not be compatible with Refuge purposes or Refuge policies, due to the extensive and severe soil and habitat disturbance associated with feral pig activity. The adverse effects that feral pigs have on natural resources due to rooting, wallowing, and trampling is well documented. Should feral pigs establish a presence on the Refuge, the ecological integrity of lands protected within the Refuge would be altered and the federally listed and MSCP-covered species present on the Refuge would be subject to direct take and indirect impacts related to habitat loss. Feral pigs also represent a potential public health and safety threat.

Feral pig control on National Wildlife Refuges is authorized under 50 CFR § 30.11 (Control of Feral Animals), which states that feral animals, including swine, without ownership that have reverted to the wild from a domestic state may be taken by authorized Federal or State personnel. In addition, 50 CFR § 31.14 (Official Animal Control Operations) states that animal species which are detrimental to the management program of a wildlife refuge area may be taken in accordance with Federal and State laws, and animal species that are damaging or destroying Federal property within a wildlife refuge area may be taken or destroyed by Federal personnel.

#### **A-3 – Consistency of hunting with the goals and purposes of the San Diego NWR**

##### **A-3.1 Hunting is contrary to the mission, goals, and purposes of the Refuge**

- *Hunting is contrary to the goals of the SDNWR and should not be allowed.*
- *Hunting is not compatible with the mission and purpose of the San Diego Wildlife Refuge.*
- *Your mission and refuge purpose say nothing about hunting, were you able to detect any language that authorized hunting...let alone even mention of killing the animals the Refuge was intended to protect?*
- *Hunting in a refuge is an oxymoron: If it's a refuge then hunting can't be allowed; If hunting is allowed then it's not a refuge.*

- *It is absurd to consider hunting as a "priority general public use" to be given "enhanced consideration" on a refuge that is located adjacent to urban development as the southeastern portion of the Otay Mesa and Lakes area within the Otay-Sweetwater Unit is. As a Chula Vista, San Diego County native, it has been heartbreaking enough to watch our backcountry disappear to developers. One saving grace has been the establishment, conservation and protection of our remaining natural areas byway of the NWRS.*

The San Diego NWR was established under the authorities of the Fish and Wildlife Act of 1956, as amended (16 U.S. C. 742(a)-754), Endangered Species Act of 1973, as amended, and Refuge Recreation Act of 1962, as amended<sup>2</sup>. Purposes under the Refuge Recreation Act of 1962 include incidental fish and wildlife-oriented recreational development. The National Wildlife Refuge System (NWRS) Improvement Act (Improvement Act), which amended the NWRS Administration Act of 1966, was approved by Congress and signed into law in 1997. The Improvement Act recognizes that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation, when determined to be compatible with the mission of the NWRS and purposes of the Refuge, are legitimate and appropriate public uses of the Refuge System; and further, that priority general public uses shall receive enhanced consideration over other general public uses in planning and management. The Improvement Act states that increased opportunities for families to experience compatible wildlife-dependent recreation shall be provided, particularly opportunities for parents and their children to “safely engage in traditional outdoor activities, such as fishing and hunting.” The Committee Report (House Report 105-106) for this legislation states: “Because priority uses like hunting, fishing, wildlife observation and environmental education are dependent upon healthy wildlife populations, they are directly related to the mission of the System and the purposes of many refuges. If our refuges and the Refuge System are managed well, then these priority uses will, in turn, prosper into the future.”

Executive Order 13443 - Facilitation of Hunting Heritage and Wildlife Conservation, signed by President George W. Bush on August 16, 2007, directs Federal agencies with programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. Consistent with this Executive Order, the Service’s hunting policy (605 FW 2) states that “We strongly encourage refuge managers to provide visitors quality hunting opportunities when compatible. Hunting programs can promote understanding and appreciation of natural resources and their management on lands and waters in the Refuge System.”

In accordance with the Improvement Act, we evaluated two options for a hunting program on the San Diego NWR. Under the selected action, a hunting program would be developed for the southeastern portion of the Otay Mesa and Lakes area within the Otay-Sweetwater Unit. A Compatibility Determination (provided as Appendix C-1 in the Final Comprehensive Conservation Plan) has been conducted for the proposed hunt program that considered the purpose and goals of the San Diego NWR, the availability of resources, and the potential for adverse effects to Refuge trust resources, including listed and sensitive species. After considering the impact analysis presented in the draft CCP/EA, the comments received during the public comment period, and the

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<sup>2</sup> U.S. Fish and Wildlife Service (USFWS). 1995. Final Environmental Assessment for the Proposed Acquisition of Rancho San Diego, Sweetwater II, and Lot 707 Properties for the Resolution Trust Corporation for the Proposed San Diego National Wildlife Refuge, Otay Sweetwater Unit, San Diego County, California.

information provided in the Compatibility Determination, we determined that designating a portion of the Otay Mesa and Lakes area of the Refuge for hunting would not materially interfere with or detract from fulfilling Refuge purposes, nor would it adversely affect public safety. This decision meets the requirements of the Improvement Act, which states that when a wildlife-dependent recreational use is determined to be a compatible use and is not inconsistent with public safety, that activity should be facilitated.

#### **A-3.2 Hunting is compatible with Refuge purposes**

- *We understand that the primary objective of the Refuge is to protect habitat, particularly that for threatened and endangered species. We maintain that hunting is not a threat to that objective. In fact, if one considers the contribution of the hunting community to protecting habitat, which is recognized in statements by USFWS, the proposed plan to discourage hunting is counter-productive. Section 5.5.3 of the DCCP discusses the potential impact of hunting (as well as the other priority public uses of the Refuge) on threatened and endangered species. It also lists measures that can be taken to minimize the impact of hunting, and concludes with the statement implementing the measures describe [sic] above would minimize impacts to sensitive species. Therefore, we reject any notion that hunting is not compatible with the purpose of the Refuge.*

The compatibility determination prepared for hunting found that hunting is a use compatible with Refuge purposes.



**B. Future management of the Refuge should reflect its purpose as the Federal government's contribution to San Diego Multiple Species Conservation Program (MSCP)**

- *We urge the FWS to keep in mind that the Refuge originated so that the federal government meets its commitment to the MSCP for contributions to preserve assembly. . . The San Diego NWR differs from other refuge units in its very large role in protecting endangered and otherwise depleted species, particularly in regard to the coastal sage habitat which are the focus of the MSCP.*
- *The SDNWR is an important and integral part of the interconnected preserve system in the southwest portion of San Diego County through the San Diego MSCP. The County applauds the development of a plan that will protect the natural resources within the SDNWR boundary and guide existing and future land uses.*
- *Because the Refuge is a substantial component of the San Diego MSCP, it must be compatible with those obligations, which place wildlife/habitat foremost and ensures that all public use is fully compatible and enforceable.*

We concur and the draft and final CCP both acknowledge that the San Diego NWR is an important component of the San Diego MSCP Program (1996). A detailed description of the development of the San Diego MSCP and its role in the establishment of the Refuge is provided in Chapter 1 of the draft CCP/EA. In addition, two of the Refuge goals specifically address the MSCP and MSCP-covered species. These goals include:

- Goal 2:** Protect, manage, and restore the Refuge's native habitats, MSCP-covered species, and other species of concern for their inherent value and to contribute to the regional effort of conserving the biological diversity of southwestern San Diego County.
- Goal 3:** Engage in partnerships and provide leadership in coordinating land management and acquisition efforts in support of the San Diego Multiple Species Conservation Program (MSCP), as well as in the protecting cultural resources and water quality.

Considerable analysis of the potential effects of various public uses on habitat quality and individual species has occurred and is reflected in our final proposal, which preserves substantial areas of undisturbed habitat, while providing an interconnected trail system to enable the public to enjoy and appreciate the resources protected within the Refuge. The selected action also recommends that existing public outreach and environmental education opportunities continue to be provided and expanded over time and that we take advantage of various opportunities to interpret the values of and need for protecting the resources on the Refuge and other preserves established to support the San Diego MSCP. Section 5.7.1 (Effects to Land Use) has been expanded in the Final EA to further explain how the management actions in the CCP support the objectives and implementation strategy of the San Diego MSCP.

## **C. Expand the discussion of habitat and species management in the CCP**

### **C-1 – Analyzing impacts to biological resources related to public use**

- *Chapter 5 of the draft CCP/EA describes the adverse effects of recreational activities on wildlife. Without a designated trail system, impacts could occur through the creation of unauthorized trails that would further fragment habitat and adversely affect wildlife and plants. To protect habitat and species, only passive recreational uses should be allowed at the SDNWR. To protect sensitive biological and cultural resources, these passive recreational uses should be allowed only in designated areas and on a designated system of trails that avoids sensitive resources.*

We concur that a designated trail system is necessary to ensure the protection of the listed and sensitive species present on the Refuge. We also concur that large blocks of unfragmented habitat must be protected from human activity if the range of species present on the Refuge are to be conserved in perpetuity. A designated trail system has been incorporated into the Final CCP and large blocks of lands have been retained that will not be impacted by human activity. This includes the northern parcel of the Las Montañas area, which supports habitat for one of our most vulnerable species, the Quino checkerspot butterfly. We have also set aside areas that support golden eagles, gnatcatchers, wetland-dependent species, and a range of listed and sensitive plant species.

Off-trail activity associated with hunting will be permitted on the southern portion of the Otay Mesa and Lakes area; however, the area to the north that supports habitat for the Quino checkerspot butterfly will be closed to all public access.

### **C-2 – Management proposals for the Del Mar Mesa Vernal Pool Preserve**

- *I would like to acknowledge the many references in the CCP promoting consistency and compatibility with the City of San Diego's Carmel Mountain and Del Mar Mesa Preserves Management Plan and the MSCP.*

Comment noted.

- *Update the management proposals for the Del Mar Mesa Vernal Pool Preserve to address control of human disturbance associated with proposed development, including the construction of a public road along the Refuge boundary.*

Chapter 3, Refuge Management, of the Final CCP has been updated to include management strategies for ensuring the protection of Refuge resources within the Del Mar Mesa Vernal Pool Unit where urban development is proposed immediately adjacent to Refuge lands.

### **C-3 – Invasive pests**

- *Applying aggressive best practices to address the invasion of Gold Spotted Oak borers, working in conjunction with other agencies, should be included in the CCP as a priority management action.*

The topic of goldspotted oak borer was addressed in the draft CCP in Chapters 3 and 4. In the Final CCP, Chapter 3, Objective 2.4 (Oak Woodland) includes the following strategy: Monitor oaks for evidence of infestation by insect pests (e.g., goldspotted oak borer, shot hole borer) and other

pathogens (e.g., fungi) and take appropriate action if identified. Addressing the effects of goldspotted oak borer on the Refuge will be guided by this strategy, as well as the following strategy: “Continue to coordinate with other public and private entities in the research, education, and outreach efforts being developed to manage and control the effects to native oaks of goldspotted oak borer, shot hole borers, and other insect pests.”

In addition, although goldspotted oak borer attacks have not been identified in scrub oak, the following strategy included under Objective 2.2 was modified as indicated to address this situation, should it occur: “Monitor all chaparral habitat within the Refuge to identify potential threats to habitat quality (e.g., signs of unauthorized activity, including off trail use; presence of invasive species, including signs of goldspotted oak borer damage to scrub oaks; edge effects associated with trail use); and implement appropriate management actions to address these threats.”

- *Consider signage directing the public not to release non-natives such as dime store type turtles, non-native fish, and bull frogs into any waterway.*

The release of any species on the Refuge by the public is prohibited. Consistent with the strategy included under Objective 2.8 in the Chapter 3 of the Final CCP (“By 2020, incorporate into the Refuge’s public outreach program information [e.g., kiosk poster, brochure] to educate the public about the hazards [e.g., illness, starvation, death by predation] to unwanted pets and the impacts to native wildlife of releasing a pet “back into the wild.”), messages related to this topic will be included on signage, where appropriate; incorporated into interpretive messaging; and addressed on the Refuge website.

#### **C-4 – Addressing listed and sensitive species in the CCP**

- *This Refuge entails 11,537 acres of ‘PUBLIC LAND’ containing 16 species currently listed as threatened or endangered. No mention is made of the specific species and how these unknown species are adversely affected by the public use of these lands. How does this CCP enhance or restore any of these species or the habitat required for their survival?*

Section 3.3 (Biological Resources) of the draft CCP/EA provided extensive information about the habitats and wildlife present on the Refuge. Section 3.3.6 provided detailed information about the 21 Federal and/or State listed species that occur or have the potential to occur on the lands included within the San Diego NWR and Section 3.3.7 provided information about the status of MSCP-covered species and other special status species on the Refuge. Sections 5.3, 5.4, and 5.5 described how plant and wildlife species, including listed and special status species, could be affected by the various public use proposals included in the no action and three action alternatives evaluated in the draft CCP/EA. The management actions proposed to protect, enhance, and/or restore sensitive habitats and listed and sensitive species were addressed in Sections 4.3, 4.4, 6.2, and 6.3 of the draft CCP/EA.

- *Address the presence of Nuttall’s scrub oak (*Quercus dumosa*) and summer holly (*Comarostaphylis diversifolia*) and the need to protect this habitat. Del Mar Mesa has the last large stand of old-growth Nuttall’s scrub oaks in southern California.*

Section 3.3.2 of the draft CCP/EA presents a description of the vegetation communities found within the San Diego NWR, including the Del Mar Mesa parcels. These descriptions include a listing of the species commonly found in each vegetative community. Figure 3-18 indicates where within these parcels, specific vegetation types occur. This information is consistent with the

information provided in the Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan<sup>3</sup> for this area.

The description of vegetation communities on the Refuge, which is presented in Chapter 4 of the Final CCP, has been expanded to include a discussion of the presence of Nuttall's scrub oak on the Refuge's Del Mar Mesa parcels.

Management strategies for protecting the habitat quality of the Refuge's various chaparral vegetation types are presented in Chapter 3 of the Final CCP. These strategies have been expanded to include monitoring to identify potential threats to the quality of the Refuge's chaparral habitat, along with proposed actions to address identified threats. Monitoring activities would include, but would not be limited to, identifying signs of unauthorized activity, including off trail use; surveying for the presence of new or expanding populations of invasive species, including signs of goldspotted oak borer damage to scrub oaks; and noting impacts to habitat as a result of edge effects associated with trail use and/or adjacent development. Nuttall's scrub oak would also benefit from the implementation of measures to minimize the effects of adjacent development on Refuge lands as described in Chapter 3 of the Final CCP.

- *The lichen Catillaria glauconigrans was found on City of San Diego parklands adjacent to the Refuge in 2013. This is the only place where this species is known to occur in California, and the only place it has been collected in the US in over a decade. It only grows on the bark of Nuttall's scrub oak, and was last found in California in 1900. Given that the Refuge lands on Del Mar Mesa contain both old scrub oaks and lichen-rich cryptobiotic crust on the mesa tops, and that the cryptobiotic crust contains the sensitive lichen Texosporium sancti-jacobi (the so-called "rarest lichen in California"), conserving lichens on the refuge lands should be a priority, particularly on Del Mar Mesa.*

The management proposals included within the City of San Diego's Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan, which include various strategies and actions intended to protect habitat within the Preserve (including on the Refuge parcels) have been incorporated into the Final CCP. With the exception of designated trails that extend through the western Refuge parcels, the lands within the Refuge parcels are to remain undisturbed. Through collaborative management by the City of San Diego, the Service, and other landowners, habitats supporting Nuttall's scrub oak and cryptobiotic crust would be managed and monitored to ensure the long term protection of these resources, which will in turn benefit sensitive lichen and other organisms.

- *Consideration should be given to reestablishing Red legged and yellow mountain frogs to the Refuge.*

As addressed in the Final CCP, the selected action recommends working with partners in an effort to reestablish the California red-legged frog (*Rana draytonii*) in appropriate habitats within the Refuge boundary. The following management strategies also address this issue:

"Prepare a step-down habitat management plan to address the habitat protection, management, restoration, and enhancement needs of the Otay-Sweetwater Unit, including actions to support listed and sensitive riparian-dependent species that are currently present

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<sup>3</sup> City of San Diego. 2015. Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan.

(e.g., least Bell's vireo), could recolonize (i.e., arroyo toad, southwestern willow flycatcher, yellow-billed cuckoo, Harbison's dun skipper, southwestern pond turtle), or could be reintroduced (i.e., California red-legged frog) in the future;"

"Control non-native fish, crayfish, and herpetofauna from the Sweetwater River and other wetland areas on the Refuge to the degree that reestablishment of native aquatic species (i.e., southwestern pond turtle, California red-legged frog, and arroyo toad) is feasible;" and

"California Red-legged Frog - Work with USGS and/or other partners to initiate actions to re-establish the California red-legged frog on the Refuge, as the Sweetwater River watershed is identified in the Recovery Plan for the California Red-legged Frog as a priority watershed for focused recovery efforts<sup>4</sup>. Re-establishment would involve a multiple step process that begins with the selection of donor populations for translocation and habitat assessment of potential translocation sites. Donor populations would be identified using DNA fingerprinting techniques for up to 30 individuals from each of 16 different populations in the Sierra San Pedro Mártir Mountains of Baja California, where frogs have been tentatively identified as appropriate genetic sources. This strategy is critical to the success of re-establishment efforts, as frogs with similar genetic backgrounds have the highest probability for survival under a given set of environmental conditions. Site assessments would also be performed to identify appropriate translocation sites. One potential site identified on the Refuge is the Mother Miguel pond located in the San Miguel Mountain area of the Otay-Sweetwater Unit."

With respect to the mountain yellow-legged frog (*Rana muscosa*), the historical record for this species does not indicate that it occurred within the boundaries of the Refuge. Historical records of known locations in San Diego County are limited to Palomar Mountain<sup>5</sup>. As a result, the introduction of this species onto the San Diego NWR is not proposed.

- *Non-native species that prey on arroyo toad and southwestern pond turtle juveniles and/or adults should be eradicated from the Refuge.*

Included in both the draft and Final CCP is the following strategy: "Control non-native fish, crayfish, and herpetofauna from the Sweetwater River and other wetland areas on the Refuge to the degree that reestablishment of native aquatic species (i.e., southwestern pond turtle, California red-legged frog, arroyo toad) is feasible." The Refuge's Integrated Pest Management (IPM) Plan (Appendix D of the Final CCP) also addresses control of non-native aquatic species.

- *Wetland and riparian areas should be enhanced for arroyo toads and southwestern pond turtles.*

The following strategies included under Objective 2.3 (Chapter 3 of the Final CCP) are intended to support the recolonization of appropriate habitat on the Refuge by arroyo toad and southwestern pond turtle:

"Prepare a step-down habitat management plan to address the habitat protection, management, restoration, and enhancement needs of the Otay-Sweetwater Unit, including

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<sup>4</sup> U.S. Fish and Wildlife Service (USFWS). 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon.

<sup>5</sup> U.S. Fish and Wildlife Service. 2012. Mountain yellow-legged frog (*Rana muscosa*) Southern California Distinct Population Segment 5-year Review: Summary and Evaluation. Carlsbad Fish and Wildlife Office. Carlsbad, California. July 13, 2012.



actions to support listed and sensitive riparian-dependent species that are currently present (e.g., least Bell's vireo), could recolonize (i.e., arroyo toad, southwestern willow flycatcher, yellow-billed cuckoo, Harbison's dun skipper, southwestern pond turtle), or could be reintroduced (i.e., California red-legged frog) in the future;"

"Control non-native fish, crayfish, and herpetofauna from the Sweetwater River and other wetland areas on the Refuge to the degree that reestablishment of native aquatic species (i.e., southwestern pond turtle, California red-legged frog, and arroyo toad) is feasible"

As stated in the Final CCP, in accordance with the selected action, the following species-specific activities would be implemented per available funding on the Otay-Sweetwater Unit:

"Arroyo Toad – Enhance riparian areas along the Sweetwater River by removing exotic plant species and mimicking the natural disturbance regime in an effort to create shallow, sand- or gravel-bottomed sunny pools, suitable for supporting breeding arroyo toads. Concurrently, work with other property owners along the Sweetwater River to improve habitat linkages between appropriate arroyo toad habitat on the Refuge and existing populations of arroyo toads upstream of the Refuge to facilitate the natural recolonization of arroyo toads on the Refuge";

"Southwestern Pond Turtle – Work with USGS and other partners to determine if suitable habitat is present on the Refuge in the vicinity of the Sweetwater River and Steele Canyon Creek to establish populations of this species on the Refuge"; and

"As part of this step-down planning effort, identify portions of the riparian habitat within the McGinty Mountain and Sweetwater River management areas where habitat could be managed to mimic the natural disturbance regime observed in unaltered riparian corridors. These actions would be taken to support listed and sensitive species such as the least Bell's vireo, southwestern pond turtle, and arroyo toad."

- *Because the Quino Amendment has not yet been adopted to ensure the long term continued viability of this species through much of the South County Segment of the MSCP, we support the provisions related to Quino management and monitoring activities as part of the EA and CCP. The adjacency of the Refuge to significant and high quality Quino habitat east of the Lower Otay Lake, specifically Village 13, should make it a top priority for inclusion in the Refuge System. As part of the current planning process for Village 13, the property owners are cooperating with the USFWS to develop a land use plan to preserve this valuable Quino habitat within the Otay Ranch Preserve.*

We concur. The acquisition of properties in Proctor Valley by the Service for inclusion in the San Diego NWR demonstrates our commitment to protecting habitat to support the Quino checkerspot butterfly.

### **C-5 – Coordinate with other land managers to provide wildlife corridors between preserved lands**

- *Work with other agencies and private owners to control and protect wildlife connectors for wildlife including between Las Montañas and San Miguel, San Miguel and Sweetwater, Sweetwater via Hidden Valley, and connections next to Highway 94 from West Las Montañas to East Las Montañas and from East Las Montañas next to Jamul Road near the summit trail to McGinty Mountain. Other areas include San Miguel to north of Otay Lakes Road via CDFW lands and across the road to the Refuge lands south of Otay Lakes Road, which is surrounded by protected Otay Mountain Wilderness.*

As stated in Section 3.3.4.6 of the draft CCP/EA, the San Diego MSCP identifies habitat linkages (wildlife connections) intended to connect the 16 core biological resource areas established within the San Diego MSCP study area boundary. The preserve designs developed by the various jurisdictions and special districts participating in the San Diego MSCP have taken into account the need for acquiring and managing properties that provide linkages between core areas. The Service only has authority to acquire lands from willing sellers within the approved Refuge acquisition boundary. Acquisition of other habitat linkages outside the Refuge acquisition boundary and management of linkages outside Refuge ownership are the responsibility of other jurisdictions, special districts, or land managers. As described on page 4-40 of the draft CCP/EA, coordination of management actions among land managers is facilitated in part through the South County Land Managers Group. Other coordination is facilitated through the San Diego Management and Monitoring Program (SDMMP), which was established by SANDAG in 2008 to provide a regionally coordinated, scientific approach to management and biological monitoring of rare plant and animal species on Conserved Lands in San Diego County.

### **C-6 – Rainbow Trout in the Sweetwater River**

- *We have requested input from San Diego Fly Fishers, Allen Greenwood on Trout in the Sweetwater. His response follows: In years of large rainfall some of the native rainbows from the upper Sweetwater River do take off downstream. The people at Palo Verde are supposed to open the boards and let the water flow in a natural unimpeded way. Whether they do this is another question. The rainbow trout do go into the Sweetwater Res. Several years ago two large rainbows were caught from Loveland Res. It was not planted with any trout. Rainbows have also been observed at the confluence of Viejas Creek where it enters the Sweetwater River. None of these are from plants. -Allen Greenwood. We understand that USFWS has a core function in this arena and already considerable knowledge and resources to act. Consider carefully what fish could be stocked and if that occurs please supply necessary refuse containers for fishing waste.*

The CCP does not include any proposals to stock fish in the Sweetwater River, and fishing within the Refuge has been determined to be incompatible with Refuge purposes because the Sweetwater River in this location supports nesting habitat for the federally endangered least Bell's vireo and provides suitable nesting habitat for the federally endangered southwestern willow flycatcher.

## **D. Comments related to the Integrated Pest Management (IPM) Plan**

### **D-1 – Disclose the actions taken to implement IPM**

- *Due to potential impacts to water quality, the Authority requests access to the Pesticide Use Proposal System (PUPS) database for information on current or proposed pesticide use on Refuge lands adjacent to the Sweetwater Reservoir and/or the Sweetwater River. In addition, the Authority requests an annual summary of pesticides/herbicide use in areas of the Refuge within the Sweetwater River watershed. The Authority also requests immediate notification in the event of pesticide spills occurring within the Sweetwater River watershed.*

The PUPS database is an internal database that is not available for use by other agencies. The Refuge can upon request provide you with an annual report describing the pesticides approved for use on the Refuge, along with the types and amounts of products actually used, including information regarding where and for what purposes the products were applied.

The IPM Plan has been revised to include the following requirements for reporting pesticide spills on the Refuge: “Consistent with the California Hazardous Materials Spill/Release Notification Guidance<sup>6</sup>, should a significant release of herbicide occur in association with work being conducted by or for the Refuge, the California Office of Emergency Service (OES) and National Response Center (NRC) shall be notified immediately by telephone with a written Follow-Up Report required within seven days if the release equals or exceeds the Federal Reportable Quantities. If the spill occurs within the Sweetwater River watershed, the Sweetwater Authority shall be contacted immediately following OES and NRC notification.

- *The Sweetwater Authority agrees with the IPM approach described in the CCP. However, in consideration of endangered species in Refuge wetland areas, the Authority encourages the Service to utilize the physical and mechanical removal strategies described in the IPM plan for control of aquatic invasive species. If chemical control is proposed for the removal of aquatic invasive species, the Authority requests that periodic monitoring be conducted to ensure that there are no impacts to water quality from the applied pesticides/herbicides.*

As stated in the Final IPM Plan (Appendix D of the Final CCP), chemical control of invasive aquatic species is not currently proposed for use on the Refuge. If we determine that the physical and mechanical removal strategies described in the IPM Plan are ineffective in removing invasive aquatic species and the use of chemical control may be warranted, we will amend the IPM Plan and conduct supplemental NEPA review. Coordination with the Sweetwater Authority would be a part of that process.

### **D-2 – Explain how the implementation of the IPM Plan can affect water quality**

- *No groundwater or surface water monitoring is currently conducted on the Refuge; therefore, the assumption that the current invasive species control program does not impact groundwater and/or surface water within or adjacent to the Refuge cannot be verified.*

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<sup>6</sup> California Office of Emergency Services. 2014. California Hazardous Materials Spill/Release Notification Guidance.

Because the groundwater and surface water within the Sweetwater Reservoir watershed is influenced by far more activities than just pesticide use on the Refuge, it would not be possible to discern the origin of pesticides identified during water quality monitoring. But more importantly, the selective use of pesticides on the Refuge will be based upon pest ecology (including mode of reproduction), the size and distribution of its populations, site-specific conditions (e.g., soils, topography), known efficacy under similar site conditions, and the capability to utilize best management practices (BMPs) to reduce and/or eliminate potential effects to non-target species, sensitive habitats, and the potential to contaminate surface and groundwater. All pesticide usage, including the type of product used, target species, application rate, and method of application, will comply with the conditions indicated in the required Pesticide Use Permit (PUP), as well as applicable Federal (FIFRA) and State regulations pertaining to pesticide use, safety, storage, disposal, and reporting.

To ensure that no adverse effects to water quality occur as a result of the use of a particular product, the following factors are considered when approving a request to use a specific pesticide on the Refuge: water solubility, soil mobility, soil persistence, soil dissipation, aquatic persistence, aquatic dissipation, and the potential to move to groundwater. In addition, BMPs are implemented to further minimize or eliminate impacts to non-target habitats, and pesticide application equipment is selected to provide site-specific delivery to target pests while minimizing or eliminating direct or indirect (e.g., drift) exposure to non-target areas and degradation of surface water and groundwater quality. Refuge staff are also required to comply with all Federal, State, and local pesticide use laws and regulations, as well as Departmental, Service, and NWRs pesticide-related policies. All of these efforts are in place to ensure that no adverse effects to ground or surface water quality will occur in association with the approved use of pesticides on the Refuge.

- *The Sweetwater Authority supports the strategy of conducting periodic monitoring of surface water and groundwater quality on the Refuge and annual monitoring of groundwater levels within the riparian and oak woodland areas. The Authority requests a copy of any water quality monitoring plan that may be developed in the future to ensure the plan's adequacy in addressing potential water quality issues.*

If monitoring of surface water or groundwater quality and/or groundwater levels is conducted on the Refuge, the result of this monitoring would be shared with the Sweetwater Authority upon request.

- *Areas with severe impacts from fire and old roads prone to erosion and subsequent silting of waterways should be given priority treatment to prevent erosion.*

We concur, as addressed in Chapter 5 of the draft CCP/EA, erosion control has and will continue to be used on the Refuge following loss of vegetation due to wildland fire. Depending upon the severity and extent of a fire, various erosion control methods could be used. Similar methods would be used to reduce or prevent erosion on old roads and user-created trails. The methods include but are not limited to the installation of fiber rolls, silt fencing, and/or check dams, along with revegetation of damaged areas per available funding. The Final CCP also proposes to establish a system of sustainable trails that will ultimately replace erosion-prone user created trails and other existing unsustainable trail segments. An example is the proposal to remove and replace with a more sustainable alignment two highly eroded segments of the Sweetwater River Regional Trail that are located along on the edge of the Sweetwater Authority's eastern property line.

## **E. Feral pig control on the Refuge**

### **E-1 – Implement feral pig control to protect resources**

- *Feral pigs pose one of the largest threats to natural ecosystems in the region, and it is imperative that the NWR and other public and private land managers of open space work together to control and eradicate this threat. The USFWS should be a partner in the regional effort to protect natural and cultural resources from the devastating effects of feral pigs.*
- *Wild pigs and Russian boars should be a priority for removal using FWS well established best professional practices.*
- *We support efforts to control of feral pigs, as they can damage archaeological sites.*
- *Feral pigs are a serious threat to the fragile ecological and cultural resources; it is vital for the Refuge and other public, private, and tribal land managers to work together in a coordinated and systematic effort to control and eradicate this threat.*
- *Feral pigs should be eliminated as they demolish essential wildlife habitat.*

A Feral Pig Working Group composed of numerous public agencies, including a representative from the U.S. Fish and Wildlife Service's Carlsbad Fish and Wildlife Office, and private conservation groups was formed in 2012 to address the issues associated with the presence of feral pigs on wildlands within the County. As a result of the group's efforts, along with continued drought, it is believed that relatively few feral pigs remain in San Diego County, although monitoring and control efforts are continuing.

No feral pigs have been documented on the lands included within the San Diego NWR, but we have prepared a Feral Pig Monitoring and Eradication Plan, provided as Appendix E of the Final CCP, that will enable Refuge staff to quickly respond should feral pigs be identified on the Refuge. The implementation of the plan is included as a management tool in the Final CCP. Upon approval of the plan, the Refuge would have the option of signing a Memorandum of Understanding to participate in the existing "all-lands" approach to feral pig control.

### **E-2 – Effect of feral pigs have on the natural environment is largely unknown**

- *Once feral pigs are on the Refuge, mountain lions and coyotes should be the sole control of feral pig populations. The actual effect feral hogs have on our environment is largely unknown.*

The effects feral pigs have on our natural environment are well documented throughout the U.S. and in other countries. A discussion of the adverse effects of feral pigs was provided in Section 3.3.5.2 of the draft CCP/EA. More information about the effects of feral pigs is available at various website including the Mississippi State University Extension website<sup>7</sup>, Texas A&M University website<sup>8</sup>; and the University of California Agricultural and Natural Resources website<sup>9</sup>. In addition, the U.S. Department of Agriculture (USDA) in their publication, Feral Swine: Damage and Disease Threats, states "the expanding populations of feral swine are a significant concern to farmers, livestock producers, natural resource managers, and animal health officials . . . their rooting activities destroy native vegetation, and invasive plants often re-vegetate damaged areas,

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<sup>7</sup> <http://wildpiginfo.msstate.edu/damage-environment-wild-pigs.html>

<sup>8</sup> [http://plumcreek.tamu.edu/media/8139/feral\\_hogs\\_negatively\\_affect\\_native\\_plant\\_communities.pdf](http://plumcreek.tamu.edu/media/8139/feral_hogs_negatively_affect_native_plant_communities.pdf)

<sup>9</sup> <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74170.html>



reducing native plants and grasses. Their wallowing activities can contaminate water supplies and impact water quality.<sup>10</sup>”

Feral swine are sexually mature at six months of age and can have up to two litters per year with an average litter size of three to eight piglets with a high of up to 12 piglets<sup>11</sup>. Once present in an area, feral swine populations can grow rapidly and dispersal can result in swine quickly colonizing and populating new areas<sup>12</sup>. Loss of pigs to mountain lions and coyotes has little impact the overall swine population here or in other areas of the State affected by feral pigs.

### **E-3 – Use professionals to eradicate feral pigs on the Refuge**

- *If alien species, such as feral pigs are harming or endangering native wildlife, experts who are either members of your agency or hired by FWS should be the ones to attempt to eradicate the invaders.*

It is the intent of the Refuge’s Feral Pig Monitoring and Eradication Plan (Appendix E) that if feral pigs are identified on Refuge lands, they would be eradicated using professional animal control personnel. The final plan has been revised to clarify this as follows: “The methods, which would be implemented by professional animal control personnel such as staff the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, will be used strategically and in coordination to maximize the reduction in feral pig numbers.”

### **E-4 – Feral pigs should be controlled through a Refuge hunting program**

- *If feral pigs encroach into the Refuge, hunting to remove these destructive invasive species should be used to protect species and habitats.*
- *Consider limited public bow hunting opportunities for controlling feral pigs in addition to your primary plan of trapping or professional hunters.*
- *Bow and arrow hunting could be a tool to manage wild pig populations.*
- *Hunting to remove destructive invasive species such as feral pigs is a management tool that should be used to protect species and habitats.*

Relying on recreational hunting to control feral pigs has proven an ineffective method for addressing the control and ultimate eradication of feral pigs on public lands<sup>13</sup>. As stated on the California Department of Fish and Wildlife (CDFW) website<sup>14</sup>, “As with all game species, wild pig behavior tends to change as hunting pressure increases. Where hunting is infrequent wild pigs may be active during the day. With moderate hunting, pigs tend to bed down around sunrise and become active again in late afternoon. In areas with heavy hunting pressure pigs are generally active only at night. Depending on pig density and abundance of cover, wild pigs tend to leave an area where hunting pressure becomes severe.” During the 2010-2011 hunting season, only eight feral pigs, or less than one-quarter of one percent of pigs taken in California, were reported as

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<sup>10</sup> USDA, Animal and Plant Health Inspection. 2013.

<sup>11</sup> California Department of Parks and Recreation. 2013. Final Initial Study and Mitigated Negative Declaration (MND) Feral Pig Eradication and Control Project, San Diego County (SCH# 2013061008).

<sup>12</sup> Waithman, J. D., R. A. Sweitzer, A. J. Brinkhaus, I. A. Gardner, D. Van Vuren, and W. M. Boyce. 1999. Range Expansion, Population Sizes, and Management of Wild Pigs in California. *Journal of Wildlife Management* 63:298-308.

<sup>13</sup> Sweitzer, R. A. 2003. Wild Pig Management Plan for Pacheco State Park. University of North Dakota.

<sup>14</sup> <https://www.wildlife.ca.gov/Conservation/Mammals/Wild-Pig>

taken by hunters in San Diego County according to CDFW records<sup>15</sup>. Because there are currently no feral pigs on the Refuge, our primary objective is to remove pigs as soon as possible after initial detection. This is best achieved by professional animal control specialists and will ensure that pigs will not have the opportunity to establish a population on the Refuge.

#### **E-5 – A public hunting program should not be a tool used to control feral pigs**

- *Hunting should not be considered as part of a feral pig control/eradication program, as there is substantial evidence that hunting makes feral pigs more wary and difficult to control- which is another strong reason to limit hunting within the Refuge.*
- *Recreational hunting is insufficient to control feral invasive species, including wild pigs and turkeys.*

The public hunting programs evaluated in the draft CCP/EA did not propose hunting as a tool for controlling feral pigs or any other invasive species on the San Diego NWR. Please refer to responses E-3 and E-4.

#### **E-6 – Consider the use of nonlethal control of feral pigs**

- *Alternative D fails to adequately consider humane and non-lethal control options for the Refuge Feral Pig Monitoring and Eradication Plan. The Humane Society of the United States does not support the notion that feral pigs must be wholly eradicated using any and all extermination means possible, but instead supports the use of non-lethal methods where possible, and in situations where lethal control is used, that any control practices be as humane as possible. We suggest the Service instead focus on prevention as there is no current population of feral pigs on the Refuge.*
- *We remain opposed to the use of aerial gunning as control methods.*
- *The use of trained dogs in controlling feral pigs is unnecessary, dangerous, and ineffective.*
- *The Service should consider immunocontraception as an effective strategy to prevent future proliferation of wild pigs.*
- *Killing pigs is ineffective, and any efforts to eradicate feral pigs while endangering resident wildlife, must be rejected.*
- *Relocation, hunting, and sterilization of feral pigs are all inhumane.*

Section 4.5 of the draft CCP/EA includes a discussion of why non-lethal control was considered but eliminated from the detailed analysis in the document. The primary reason relates to the lack of facilities in the region that are capable of lawfully handling captured feral pigs for relocation purposes. Relocating feral pigs does not address the threat they pose to natural and cultural resources, nor does it minimize the potential for the transmission of disease and/or parasites to wildlife, livestock, pets, and in some cases humans.

The intent of the Feral Pig Monitoring and Eradication Plan for the San Diego NWR is to avoid the establishment of feral pigs on the Refuge, which would avoid any need for lethal control on the Refuge. Coordination with adjacent land managers will keep Refuge staff up-to-date on feral pig activity in the vicinity and monitoring for any signs of the presence of feral pigs on the Refuge will enable quick response should any activity be detected. Rapid response would ensure that the need

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<sup>15</sup> California Department of Parks and Recreation. 2013. Final Initial Study and Mitigated Negative Declaration (MND) Feral Pig Eradication and Control Project, San Diego County (SCH# 2013061008).

for lethal control would be minimized by avoiding the establishment of one or more populations on the Refuge. If control is required, it would be conducted by trained professionals ensuring the most humane control available. Early detection would also minimize the need for tracking dogs and aerial gunning.

Although fertility control can be effective in decreasing the numbers of feral hogs in cases where they occur in isolated populations<sup>16</sup>, where immigration and emigration affect the population dynamics, this approach is generally ineffective in addressing ongoing habitat destruction.

Recent efforts to control feral pigs elsewhere in San Diego County, along with the effects on vegetation from the current drought, have contributed to an overall reduction in the feral pig population countywide. With this significant reduction in the overall feral pig population, it is less likely that control will be required on the Refuge in the near future. Nevertheless, the Refuge's Feral Pig Monitoring and Eradication Plan will allow for rapid response to the presence of feral pigs on the Refuge should that occur, substantially reducing the need for extensive ongoing control on the Refuge.

#### **E-7 – Use trapped or killed pigs for human consumption**

- *Killed pigs should be donated to local food shelters if appropriate meat processing can be obtained.*
- *Transport the trapped pigs to an approved location for slaughter and human consumption.*

The problems with providing feral pig meat for human consumption were addressed in the draft CCP/EA. It should also be noted that pigs are not currently present on the Refuge and the intent of any control would be to quickly remove any pig that does enter the Refuge in order to avoid the establishment of a feral pig population on the Refuge. Preparing one or two pigs for human consumption, which would require transporting the slaughtered pigs out of the county for processing, would not be cost effective.

#### **E-8 – Do not introduce feral pigs onto the Refuge for big game hunting**

- *I am opposed to introducing "feral pigs" into the habitat for big game hunting on the refuge.*

The CCP does not include any proposals to introduce feral pigs onto the Refuge for hunting or any other purposes. The CCP addresses the potential need to remove feral pigs from the Refuge because of their destructive habits should they move from surrounding areas onto the Refuge. If feral pigs are identified on the Refuge, only professional animal control personnel would be employed to lethally remove the pigs.

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<sup>16</sup> Massei, G., S. Roy, and R. Bunting. 2011. Too many hogs? A review of methods to mitigate impact by wild boar and feral hogs. *Human-Wildlife Interactions* 5(1):79–99, Spring 2011.

## **F. CCP proposals should ensure protection of MSCP-covered species**

### **F-1 – Manage uses on the Refuge to ensure the protection of species covered by the San Diego MSCP**

- *I support a wildlife refuge that, consistent with its primary MSCP obligations, puts wildlife foremost and ensures that all public use is fully compatible and enforceable.*
- *The San Diego NWR should meet the primary MSCP obligations of providing safe harbor for the wildlife entrusted to your agency on behalf of the region. It is vital that all public use is compatible and enforceable to that primary objective.*
- *We urge the FWS to keep in mind that the Refuge originated so that the Federal government could meet its commitment to the MSCP for contribution to preserve assembly. As a result, the San Diego NWR differs from other refuge system units in its very large role in protecting endangered and otherwise depleted species, particularly in regard to the coastal sage scrub habitats which are the focus of the MSCP.*
- *Protection of the lands within the San Diego NWR will contribute to the recovery of 52 species covered by the MSCP and maintain a sanctuary of wilderness values at the edge of an urban metropolis.*
- *This Refuge is uniquely positioned to achieve the ecosystem level conservation of biodiversity that is its highest goal.*

The draft and Final CCP acknowledge the important role that the San Diego NWR plays in the successful implementation of the San Diego MSCP. Large blocks of undisturbed habitat will be preserved within the Refuge to support the conservation of the 56 MSCP-covered species that occur or have the potential to occur within the San Diego NWR. All proposed uses on the Refuge have been evaluated for compatibility with Refuge purposes. In addition, stipulations, including the requirement for regular monitoring of public activities on the Refuge, are presented in the various Compatibility Determinations (Appendix C of the Final CCP) to ensure continued compatibility with wildlife and habitat protection. Monitoring will be implemented to ensure that these uses continue to be compatible. Re-evaluation of a proposed use on the Refuge can occur at any time, and mandatory re-evaluation is required every 10 to 15 years, depending upon the type of use. This further ensures the long term compatibility of uses with Refuge purposes, including its role in the implementation of the San Diego MSCP.

### **F-2 – Address the relationship of the legally binding implementing agreements signed by the jurisdictions and wildlife agency partners to the MSCP to Refuge management**

- *Habitat and species] protection is critical to the legally binding implementing agreements signed by the jurisdictions and wildlife agency partners to the MSCP.*
- *The Refuge must contribute to the species conservation objectives of the MSCP and comply with its “Conditions of Coverage” for species and habitats.*
- *On the contractual basis of the MSCP Implementing Agreement, the San Diego NWR must satisfy the conditions of federal take permits; all parties and interests must recognize this.*

The Service’s obligations under the implementing agreements involve contributing lands and funds for the acquisition and management of habitat lands within the MHPA, as well as to manage, maintain, and monitor all Federal lands contributed to the MSCP consistent with the MSCP<sup>17</sup>. The

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<sup>17</sup> City of San Diego. 1998. Final San Diego Multiple Species Conservation Program, MSCP Plan.

Final CCP includes guidance for how we will meet our MSCP obligations, including management and conservation actions to protect listed and MSCP covered species. The CCP will protect large blocks of undisturbed habitat, while also providing opportunities for compatible public uses. This is consistent with the MSCP, which identifies the provision of public recreation and educational opportunities in association with providing adequate protection for biological resources, as a key objective of the plan (page 6-2).

### **F-3 – Hunting on the Refuge is not compatible with the MSCP**

- *Hunting of native wildlife species as proposed in Alternatives C and D is not compatible with the MSCP.*
- *One of the objectives listed in the MSCP is to "Provide a plan for general public benefit through open space conservation and access to natural preserves for passive recreation and an improved quality of life..."(emphasis added). Therefore, hunting, other than for feral pigs (if they encroach on the SDNWR), is contrary to the goals of the SDNWR and the MSCP and should not be allowed at the SDNWR.*
- *Some have said that hunting is not compatible with the MSCP. We have seen nothing in the literature that indicates that hunting is considered incompatible. The purpose of the MSCP is to preserve habitat and wildlife. Having a quality hunting program on the Refuge will contribute to the habitat and wildlife.*

There are no statements in the Final MSCP Plan<sup>18</sup> or the County's<sup>19</sup> or City's<sup>20</sup> Subarea Plans to indicate that hunting is not compatible with goals of the MSCP. Rather, the Final MSCP Plan states that permitted uses should be compatible with preserve objectives and that direct and indirect impacts to sensitive habitats and covered species be reduced or eliminated (page 6-1). Hunting programs can be implemented in a manner that minimizes impacts to listed and covered species, and monitoring provides the mechanism for evaluating the effects of a hunting program on sensitive resources and provides the basis for adaptively managing the program should any unforeseen impacts be identified.

It should be noted that both the County of San Diego's Subarea Plan and the City of San Diego's Subarea Plan make references to hunting within the preserve. The County of San Diego's Subarea Plan states that in the 4S Ranch property, specific uses that will continue in the preserve include hunting (page 2-12), and in the City of San Diego's Subarea Plan, hunting is identified as a use that may be permitted on the Water Department's cornerstone lands (page 94). Further, the Final MSCP Plan states on page 6-2: "Many recreational uses occur in federal and state wildlife refuges, management areas, or parks, some of which may be established in the MSCP preserve." Lands purchased by the State for incorporation into the preserve, including Boden Canyon, Rancho Jamul, and Hollenbeck Canyon, all provide some opportunities for hunting. The Service believes that a well-designed hunting program within a limited geographic area of the Refuge, as proposed in the Final CCP, can be managed consistent with the goals and objectives of the San Diego MSCP.

Concerns regarding the hunting of deer have also been raised because southern mule deer (*Odocoileus hemionus fuliginata*) is a MSCP covered species. In the covered species discussion of the MSCP, it is noted that mule deer are not considered sensitive, rather "this broadly distributed

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<sup>18</sup> City of San Diego. 1998. Final San Diego Multiple Species Conservation Program, MSCP Plan.

<sup>19</sup> County of San Diego. 1997. Multiple Species Conservation Program County of San Diego Subarea Plan.

<sup>20</sup> City of San Diego. 1997. Multiple Species Conservation Program City of San Diego MSPC Subarea Plan.



species has aesthetic and intrinsic values” that make protecting the species within MSCP preserve important (page 171). Conservation of this species involves maintaining ecosystem function and processes within core and linkage areas, which is provided within the San Diego NWR. Substantial acreage within the Refuge would be available to support deer and deer movement between core areas identified in the MSCP. Deer hunting on the Refuge would only be permitted in a portion of the Otay Mesa and Lakes area of the Refuge, in a location that abuts State and other Federal lands on which hunting is currently permitted.

## **G. Issues related to cultural resource management**

### **G-1 – Increase the priority for cultural resource management in the CCP**

- *There is an apparent low priority for management of cultural resources.*
- *Refuge management should elevate the protection of cultural resources as a top priority with biological resources.*

It is the policy of the Service to identify, protect, and manage cultural resources located on our lands and affected by what we do, in a spirit of stewardship and in compliance with cultural resources legislation. The protection of cultural resources is an important priority in the overall management of the lands within the San Diego NWR and both the draft and Final CCP for the San Diego NWR address cultural resource protection in various sections of the documents. Protection of cultural resources is recognized in the Refuge goals and specifically addressed in Objective 3.3, as follows:

#### Objective 3.3: Cultural Resources Protection

Over the next 15 years, implement proactive management of cultural resources that focuses on meeting the requirements of the National Historic Preservation Act and other cultural resource legislation to address the protection, identification, inventory, evaluation, consultation, and, when appropriate, interpretation of the Refuge's historical and archaeological resources to increase the public's appreciation for cultural resource preservation.

The rationale for this objective, as presented in the draft CCP/EA and Final CCP, addresses the need to identify, protect, and manage cultural resources located on Service lands and the value of these resources in terms of cultural identity, scientific information, and interpretive opportunities. It also acknowledges that cultural resources are not renewable, making protection an essential component of cultural resource management. The discussion ends with the statement: "This requires proactive management in which public access is restricted in areas identified as having a high potential for undiscovered cultural resources." A list of strategies for achieving this objective was provided in Chapter 6 (Implementation) of the draft CCP/EA (page 6-21) and is also included in the Final CCP.

The Service has been and continues to be proactive in ensuring the protection of cultural resources on the Refuge. Cultural resource management and a discussion of the need to consider the potential for effects to cultural resources as a result of Refuge undertakings is included in each of the alternatives presented was addressed in the draft CCP/EA. Presented in Section 5.7 of the Final CCP are the actions that Refuge staff must take to ensure the protection of cultural resources prior to undertaking a project on the Refuge. These actions include working with the Region 8 Cultural Resource Team to review existing cultural resource information within the undertaking's area of potential effect, conducting a site visit when ground disturbing activities are proposed, and initiating consultation with the tribes pursuant to 36 CFR 800.2(c), 800.4(a)(3) and 800.4(a)(4).

Note that Goal 3 has been revised in the Final CCP to specifically address cultural resource protection, and additional strategies have been added under Objective 3.3 in the Final CCP to incorporate suggestions provided by various commenters related to cultural resource management on the Refuge.

**Goal 3:** Engage in partnerships and provide leadership in coordinating land management and acquisition efforts in support of the San Diego Multiple Species Conservation Program (MSCP), as well as in the protecting cultural resources and water quality.

**G-2 – Update the cultural resource inventories for the Refuge**

- *Cultural resource inventories are not only incomplete, but for many areas there are none. To accurately evaluate the impacts of proposed management options, a clear understanding of the cultural resources on the Refuge is necessary.*
- *The Service has not obtained record searches for properties acquired after 2010 and should promptly obtain the record searches these and all future acquisitions.*
- *An early understanding of the cultural resources on the Refuge would assist in future project design by enabling avoidance of cultural resources and minimizing the risk of impacting resources during project implementation.*
- *It is disappointing that the Service has not at least obtained records searches for properties acquired after 2010. It can be hard to manage resources that are not known to the manager. The information is important, among other times, when firefighting is underway. We urge the Service to promptly obtain the records searches for the new acquisitions and to routinely obtain them for all future acquisitions as well.*
- *The second paragraph of Section 5.6.1, on page 5-79, discusses the need for archaeological surveys. It should recognize that old surveys may need to be repeated, since sites which may have been missed in earlier surveys may now be detected. Erosion, fires and new trails are some of the actions which may make sites visible. Typically, surveys more than five years old should be repeated.*

In 2010, as part of the pre-planning process for the CCP, a Cultural Resources Review<sup>21</sup> was prepared to provide the Service with a reasonable foundation for future management decisions at the San Diego NWR. The report discusses the natural environment, cultural systems, previous studies, historical background, and relative cultural sensitivity of the lands within the Refuge. Although large portions of what are now Refuge lands were previously proposed for development and have therefore been the subject of cultural resource investigations, the cultural resources review identified a number of information gaps including, but not limited to, the need to complete site evaluations for previously identified sites; the need to update our prior record search, and recommendations for additional site surveys. The identification of these information gaps is important to the future management of the Refuge, as it can be used to support requests for funding and other assistance necessary to ensure that future undertakings will not adversely affect cultural resources.

The National Historic Preservation Act (NHPA) states that land acquisition is not an undertaking with the potential to affect historic properties. Therefore, although there would be many benefits associated with conducting cultural resource surveys concurrent with property acquisition, the funding necessary to complete the surveys is rarely available at the time of purchase. Per Section 110 of the NHPA, all Federal agencies are to establish--in conjunction with the Secretary of the Interior--their own historic preservation programs for the identification, evaluation, and protection of historic properties. In accordance Section 110, Refuge staff rely on the Service's Regional Historic Preservation Office (RHPO) to identify, evaluate the importance of, and seek the

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<sup>21</sup> Recon. 2010. San Diego National Wildlife Refuge Cultural Resources Review. Confidential Information – Limited Distribution. Prepared for the U.S. Fish and Wildlife Service, San Diego National Wildlife Refuge Complex.

appropriate protective designation of cultural resources in compliance with existing legal requirements, regulations, and professional standards. Because acquired lands may contain significant cultural resources, we have expanded the strategies under Objective 3.3 in the Final CCP to address the need for Refuge staff to inform the Service's RHPO when new properties are acquired and work together to ensure the protection of cultural resources. In addition, a strategy has been added to address coordination with local tribes in developing a better understanding of the cultural resources present on Refuge lands and minimizing identified information gaps.

#### **G-3 – Identify a remedial action plan to address information gaps**

- *The Refuge should commit sufficient resources and a local staff archeologist to work with qualified Kumeyaay representatives to update the Refuge cultural resource records.*
- *The Kumeyaay Diegueño Land Conservancy (KDLC) recommends the Refuge commit sufficient resources and a local staff archeologist to work with qualified Kumeyaay representatives to update the Refuge cultural resource records.*
- *Section 3.4.7, Information Gaps, is an appropriate acknowledgement. The next step, a remedial action plan is necessary. The need for such a plan, and a commitment to its implementation, must be addressed in the Conservation Plan for the Refuge.*

In the Final CCP, the cultural resource strategies have been expanded under Objective 3.3 to address the need to fill information gaps.

#### **G-4 – Coordinate with Tribal representatives**

- *KDLC and the Kumeyaay Heritage Preservation Committee (KHPC) would be interested to establish a relationship with the Refuge for the protection of cultural resources and ethnobotanical resources.*

We would welcome the establishment of such a relationship; a strategy addressing this proposal has been added under Objective 3.3 into the Final CCP.

#### **G-5 – When monitoring is required both an archaeological monitor and a Kumeyaay monitor should be present**

- *The Refuge (and the greater USFWS) should improve the management of cultural resources and the inclusion of qualified Kumeyaay monitors and knowledgeable tribal representatives during consultation and archeological work on Refuge lands.*
- *Section 5-6-1, the third paragraph on page 5-80 addresses when an archaeological monitor is to be present. Normal practice throughout San Diego County is to also have a Native American monitor present.*

When an activity or project meets the NHPA's definition of an undertaking, letters are routinely sent out by the Refuge Complex or the Service's Regional Cultural Resources Office to all federally recognized tribes in San Diego County to initiate consultation. When requested by an interested tribe, arrangements are made for site visits and any requested additional information is provided. In addition, the San Diego NWR Complex has consistently required the presence of both a qualified Kumeyaay monitor and a qualified archeological monitor for all projects that require archaeological monitoring. To ensure that this practice continues, the discussion of cultural resource management in the Final CCP has been revised to clearly state that when cultural

resource monitoring is required, both a qualified Kumeyaay monitor and a qualified archeological monitor shall be present on the project site.

#### **G-6 – Curation of archaeological collections**

- *The Service is likely now the legal owner of archaeological collections which resulted from monitoring and data recovery work accomplished on properties prior to their acquisition. The Service should attempt to identify and locate those collections and, ultimately, bring them into compliance with the curation requirements of 36 CFR 79.*

Pursuant to 36 CFR part 79.3 (Curation of Federally-Owned and Administered Archaeological Collections), the regulations for curation apply to collections excavated or removed under the authority of the Antiquities Act (16 U.S.C. 431-433), the Reservoir Salvage Act (16 U.S.C. 469-469c), Section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2) or the Archaeological Resources Protection Act (16 U.S.C. 470aa-mm). As material remains that are excavated or removed from a prehistoric or historic resource generally are the property of the landowner at the time of excavation or removal, and the excavation or removal was not conducted in accordance with authorities listed above, the Service is not responsible for the curation of material remains excavated or removed from the site prior to acquisition of the land for inclusion in the San Diego NWR.

#### **G-7 – Regularly monitor conditions at the Barn at the Oaks**

- *What actions will the Service take to regularly revisit the Barn at the Oaks to determine the need for any further stabilization work? The Plan should address the need for such visits and remedial actions.*

Site and structural conditions at the Barn at the Oaks are routinely inspected by Refuge staff and Refuge law enforcement officers. Protective fencing installed following structural stabilization has been very effective in deterring vandalism at the site.

The need to maintain the Barn at the Oaks was addressed in the draft CCP and is addressed in Chapter 3 of the Final CCP in the following strategy: “Maintain the current condition of the historic Barn at the Oaks, protect the structure and its immediate surroundings from vandalism, and interpret the history and relationship of the structure to historical farming activity in the area.”

#### **G-8 – Address historic roads and trails on the Refuge**

- *The Service appears not to have considered the trail and roadways themselves as historic artifacts of the bygone era. No one considered the Refuge road route taken by Charles Gifford who drove pickled olives from his Jamacha Valley olive mill to San Diego by horse and buggy. . .Likewise no one considered that Refuge roads were acclaimed as some of San Diego County’s finest unpaved roads in the days when Model Ts were displacing the horse and buggy.*

Section 3.4.4 of the draft CCP/EA provided an overview of the historic activities that occurred in and around the current Refuge lands, including a discussion of the agricultural activities that are known to have occurred on Refuge lands. It is unclear from the more accessible literature, where the Gifford oil groves were located. References are made to the Jamacha Valley and Mexican Canyon areas of Jamul, but much of these areas are not included within the current Refuge



boundary. We do know however that the boundaries of historic Rancho Monte Vista did extend into areas now located within the Refuge. The history of the lands within the Refuge is of interest to the Service and the public; therefore, we will continue to gather historical information and welcome any information the public can provide. The discussion and strategies included under Objective 4.5 (Refuge Resource Interpretation) in Chapter 3 of the Final CCP have been expanded to include interpretation of the historic use of the lands within the Refuge.

## H. Issues related to wildlife-dependent recreational uses

### H-1 – Hunting

#### H-1.1 Opportunities for hunting should be provided on the Refuge

- *I am an avid local hunter and there are not very many accessible places to hunt here in San Diego County. Hunting is an American tradition and pastime that millions of people all over the country enjoy and I believe that making the San Diego National Wildlife Refuge available for hunting would be to the benefit of everyone involved.*
- *San Diego County has a dedicated hunting community that would cherish and utilize such an amazing opportunity close to home. These programs would also be a great way to introduce young hunters to the sport and, in cooperation with education, offer them opportunities for conservation studies and outdoor projects.*
- *I am a firm believer that ethical hunting is an integral part of conservation, and that the vast majority of San Diego hunters are law-abiding sportsmen who have a genuine interest in preserving these traditions for generations to enjoy.*
- *Hunters/conservationists like Theodore Roosevelt helped to create the National Wildlife Refuge System, a fact that environmental groups would do well to notice; without these initial advocates for preserving lands for wildlife, recreational opportunities on Refuges may not even exist.*
- *It is widely understood that hunting provides many benefits through education, tax revenue, volunteer labor and conservation. Additionally, this would be consistent with several policy statements and past executive actions that call for enhancing hunting opportunities on federal lands.*
- *The USFWS's DCCP is extremely remiss in providing hunting opportunities. This Refuge land has a tradition of providing hunting opportunities, and we hunters deserve your respectful inclusion into the management plan of the Refuge in full and equal proportion.*
- *Hunters have never asked other recreation users to abstain from their preferred recreational activities, yet hunters are apparently expected to stand-down because some non-priority users (e.g., equestrian and mountain bike trail users) want it all to themselves.*
- *Several USFWS documents acknowledge the important role that hunters and hunting organizations have played in making the Refuge System as successful as it is today, including Conserving the Future, which cites the financial contributions that hunters and anglers have made to support the Refuge System. Based on the feedback we are getting from our constituents, the “token” hunting program that is proposed in the DCCP is likely to break the bond between the San Diego NWR and the local hunting community.*

- *Section 4.4.1.2 (page 480) of the DCCP states we looked at current and future use patterns on the Refuge, along with habitat and species sensitivity, in developing a hunting program under Alternative C. Those areas of the Refuge that currently experience lower levels of public use (e.g., wildlife observation, photography, environmental education, interpretation, nonmotorized trail use) have been proposed as future hunting areas under this alternative. According to the Final Compatibility Policy published in the Federal Register Vol. 65, No. 202, an activity is considered a compatible use if it will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge. By implementing the stipulations listed in the DCCP, it appears that Alternative C could be adopted with insignificant impacts on habitat, wildlife, and other priority uses of the Refuge, and the statements made in the DCCP would seem to confirm that assessment.*

We agree that hunting is a wildlife-dependent recreational use that the Improvement Act states “shall receive priority consideration in national wildlife refuge planning and management.” We have considered and evaluated how and where hunting could be permitted on the San Diego NWR. The Improvement Act states that the Secretary of Interior may permit hunting on a refuge if it is determined that such use is compatible and will not materially interfere with or detract from the fulfillment of the purposes of the refuge or the mission of the National Wildlife Refuge System.

As stated in the Land Protection Plan for the Otay-Sweetwater Unit of the San Diego NWR, the San Diego NWR was established to protect, manage, and restore habitats for federally listed endangered and threatened species and migratory birds and to maintain and enhance the biological diversity of native plants and animals”<sup>22</sup>.

Unlike many other Refuges across the country, the San Diego NWR lies in the urban interface immediately adjacent to significant areas of urban residential development, with more development proposed to the east in Proctor Valley. This situation necessarily influences management decisions related to both resource protection and public use. The management plan presented in the Final CCP for the San Diego NWR has taken into account the need to protect large blocks of habitat to support the 13 federally listed endangered or threatened species and more than 30 MSCP-covered species known to occur on the Refuge, while also facilitating compatible wildlife-dependent recreational uses and other compatible uses in various areas throughout the somewhat disjunct lands that make up the San Diego NWR.

To ensure the long term conservation of these species and the habitats that support them, it is necessary to engage the urban communities that surround the Refuge. In 2014, the Refuges within the San Diego NWR Complex, including the San Diego NWR, became an important component of the SoCal Urban Wildlife Refuge Project, the first of what has become a significant network of urban wildlife refuge partnerships across the country. Important components of the urban wildlife refuge program include outdoor learning, service and stewardship of natural habitats, and conservation-based projects for youth and young adults from diverse communities. The purpose of these programs is to introduce new audiences to the natural environment and establish meaningful connections to wildlife and native habitats that will last a lifetime.

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<sup>22</sup> U.S. Fish and Wildlife Service. 1997. Environmental Assessment and Land Protection Plan. Otay-Sweetwater Unit, San Diego National Wildlife Refuge, San Diego County, California.

Much consideration has gone into determining how best to achieve all of the purposes and goals of this urban refuge, while also trying to meet the expectations of the public and adjacent residents. As presented in the draft CCP/EA, we evaluated two hunting options for the Refuge and the option of permitting hunting south of Otay Lakes Road was selected as the alternative that best meets the overarching Refuge conservation purposes and goals while still providing hunting. This area of the Refuge abuts other existing Federal and State lands already open to hunting. It is our intent to continue to work with these other land managers in an effort to identify options for improving hunting access into this area from the public right-of-way. This is also an area where, with the assistance of the hunting community, a youth hunting program could be developed that could serve the surrounding communities.

#### **H-1.2 The draft CCP fails to address Executive Order 13443 (Facilitation of Hunting Heritage and Wildlife Conservation)**

- *In August 2007 an Executive Order (EO 13443) was established for the "Facilitation of Hunting and Wildlife Conservation". Your agency has in the recent past stated a desire to increase 'new acreage' for hunting access in order to extend our hunting legacy. Secretary of the Interior, Jewel, has officially expressed the National Wildlife Refuge System was created in order to keep our hunting and angling heritage strong, providing more opportunities for the public to legally recreate on 'public lands.' This Executive Order is not listed in Table 1-1 of the DCCP.*
- *The DCCP and the Preferred Alternative D ignore policy guidance from higher authority, specifically Executive Order 13443, as well as USFWS Service Manual 605 FW 2 and the USFWS Vision as published in the "Conserving the Future: Wildlife Refuges and the Next Generation."*
- *The call for enhanced, quality hunting opportunities is widely embraced at the Federal level, including by USFWS. Yet the DCCP ignores these policy statements by proposing an alternative that is the antithesis of an enhanced, quality hunting program.*
- *It is crystal clear from Executive Order 13443, the USFWS Vision (Conserving the Future), the North American Model for Wildlife Conservation, Service Policy 605 FW 2, and Service press releases that the call for enhanced, quality hunting opportunities is widely embraced at the Federal level, include by the USFWS. Yet the DCCP ignores these policy statements by proposing an alternative that is the antithesis of an enhanced, quality hunting program.*
- *No evidence of any serious intent to offer suitable scientific or safety based data, which would explain or otherwise justify the failure to comply with the aforementioned mandates from higher authority were evidenced in my review.*

As described under H-1.1, a number of factors were considered in developing the public use proposals presented in the Final CCP for the San Diego NWR. These proposals reflect the purposes for which this Refuge was established, the current land use patterns in the vicinity of the Refuge, and the desire to provide compatible use opportunities for a diverse public.

Table 1-1 has been revised in the Final CCP to include Executive Order 13443 - Facilitation of Hunting Heritage and Wildlife Conservation. The Service continues to acknowledge the important role that hunting and fishing, along with the other priority public uses of the Refuge System, have and continue to play in the development and expansion of the National Wildlife Refuge System. In July 2016, the Service announced proposals to expand hunting and fishing opportunities at 13 national wildlife refuges across the United States. This proposal includes expanding opportunities for migratory bird, upland game and big game hunting, as well as sport fishing. In 2015, fishing and/or hunting opportunities were opened for the first time at five refuges and expanded on 16

refuges; and in 2014, new hunting programs were established on six refuges and fishing and hunting opportunities were expanded on 20 refuges.

### **H-1.3 Hunting is a priority public use and should be facilitated on the Refuge**

- *Hunting is one of the six wildlife-dependent public uses of national wildlife refuges specifically encouraged by the National Wildlife Refuge System Management Act of 1997 (the “Organic Act” of the Refuge System). Whenever a particular type of hunting is compatible with the Refuge’s purposes, goals and objectives, and can be conducted in a sustainable manner, it may be permitted. Wildlife populations are monitored and whenever a population is below the population objective, hunting is suspended or reduced until the population recovers.*
- *Hunting is specified as one of six priority uses of a Refuge and in no way interferes with other uses of the Refuge, as admitted in the DCCP.*

Refer to Responses H-1.1 and H-1.2.

### **H-1.4 More acreage for hunting should be allocated on the San Diego NWR**

- *Unfortunately, any positive gain made by incorporating hunting into the plan is undermined by the FWS’ preferred action, Alternative D, 160 acres in the Otay Lakes and Mesa area. Authorizing hunting in only one percent of a refuge area that has a long-standing tradition of hunting is a myopic, minimalist approach at best and hardly consistent with the intent of the National Wildlife Refuge System Improvement Act of 1997.*
- *It is well understood that critical habitat for ESA listed plant and animal species needs to remain protected, which is why I strongly recommend the designated habitat protections, enhancement/restoration projects, and greater hunter opportunity in Alternative C. This would allow for increased wildlife-dependent recreational opportunities, while at the same time keeping the specific goals of protecting species and habitats of concern. The 160 acres offered in Alternative D will not suffice.*
- *I am very disappointed with all four of the ‘Preferred Alternatives’ as presently described in the DCCP; none of which appropriately provides for a ‘healthy and viable hunting program’ as described and mandated by higher authority, including the Secretary of Interior and EO 13443 etc.*
- *We would like to see you open up the San Diego National Wildlife Refuge for hunting opportunities. We feel the amount of acreage you are talking about is far too small, at a minimum on page 6-22 & 6-23 Option C should be implemented.*
- *There should be more areas opened to hunting in San Diego. Hunting is a valuable land management tool.*
- *Limiting hunting to a 160-acre parcel located far from any reasonable access will not result in a quality hunt. The DCCP indicates that access will be provided by CDFW and BLM lands. However, there is no convenient access to the CDFW lands mentioned, and access from BLM land is via a long, unmaintained dirt road, followed by a one-mile cross-country hike over broken terrain. If one were quail hunting with a dog, this entire area could be covered in a few hours. This area will not support more than one hunter using it a few times a week. The quality of the hunt would not justify the effort to access it.*

- *We are dismayed by the management alternatives proposed in the DCCP, specifically, by the lack of any significant hunting program in the Preferred Alternative D. We contend that the Preferred Alternative D is unacceptable for providing opportunities for the priority public use of hunting.*

Most, if not all, of the parcels included within the San Diego NWR have no history of legal public hunting activity. Many of the properties were recently planned for development, but for various reasons were sold or otherwise acquired for incorporation into the Refuge as the Federal government's contribution to the MSCP preserve. Response H-1.1 describes the factors considered in determining that a hunting program on the Refuge would occur in the Otay Mesa and Lakes area of the Refuge. This hunting area abuts other Federal and State lands open to hunting, thereby expanding existing hunting opportunities and minimizing the costs associated with opening this portion of the Refuge to hunting. We understand the current access issues in this area and unfortunately, as is the case with most of areas within the San Diego NWR, we have no ownership that abuts the public right-of-way. The Refuge will work with the adjacent agencies, whose properties abut the public right-of-way, in an effort to identify an access point for hunters using this area.

#### **H-1.5 Hunters provide revenue to support the refuge system**

- *The USFW cannot ethically suppress the hunting opportunities on our Refuge land, while USFW collects and spends the Pittman-Robertson funds which the hunters provide to USFW.*
- *Hunters have raised over 620 million dollars through Federal Duck Stamp sales, import taxes on firearms and ammunitions, and refuge entrance fees since 1934 that all help to fund the NWR system. These monies have helped to purchase over 2.7 million acres. So, allowing hunting on only 160 acres of an 11,700 acre NWR is simply not enough opportunity.*
- *It is the hunting enthusiast community that fund and support the majority of projects like this. Please open this tract of natural habitat to hunting here in San Diego County.*
- *USFW benefits from the sale of firearms and simultaneously supports their use in national lands is a deep conflict which is unresolvable.*
- *Allowing a hunting opportunity on the proposed part of the SDNWR will give the people of Southern California an incentive to provide and continue to provide revenue for the natural resources of the SDNWR through hunting licenses, tags and stamps.*

The economic contributions provided by hunting and fishing activities benefit all outdoor recreationalists, with significant funding coming via the Pittman-Robertson Act excise tax on firearms and ammunition. Those funds are distributed through the Department of Interior to the States annually to provide for enhanced hunter education programs, land and wetland acquisition, outdoor education, research, habitat management, and other purposes. Since the funds are distributed to States, the San Diego NWR does not benefit directly from these specific funds. While Duck Stamp funds are used to purchase habitat in many locations, none have been used for acquisitions for the San Diego NWR. Hunting programs do however benefit refuges in other ways, including providing opportunities for visitors to appreciate the resources conserved within the Refuge. Determining how to achieve Refuge purposes, provide for quality visitor experiences, and ensure that the rights of adjacent private property owners are protected are all factors that must be considered when preparing a Refuge management plan. Designating lands within the Otay Mesa and Lakes area of the Refuge for hunting will expand current hunting opportunities offered by the State and Bureau of Land Management.

### **H-1.6 The segment of the population that participates in hunting is dwindling**

- *Such a small segment of the population currently participates in hunting and this number is dwindling with each passing year. The minority status of hunters also extends to patrons of NWRs. The 2013 economic benefit analysis of NWR Visitation states that hunters only contributed 7 percent of the total expenditures, while 72 percent of the total expenditures were generated by non-consumptive activities. These data reveal that the economic benefit of hunting on refuges is nominal and is simply retained as a means to appease a vocal minority.*
- *The proposed systems in Alternatives C and D of setting aside small parcels of land for non-consumptive users while opening up other portions to hunters is nonsensical and only serves to marginalize a lucrative majority for the sake of a dwindling minority.*

According to the data provided in the 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation<sup>23</sup>, the percentage of American's participating in hunting between 1991 and 2011 has remained relatively consistent. In 2011, 13.7 million Americans hunted, while 71.8 million participated in at least one type of wildlife-watching activity. The survey also revealed that in 2011, 51 percent of anglers and 57 percent of hunters also participated in wildlife observation, while 29 percent of those who participated in wildlife observation also reported participating in hunting and/or fishing during 2011. Sportspersons spent a total of \$89.8 billion in 2011, including \$41.8 billion on fishing, \$33.7 billion on hunting, and \$14.3 billion on items used for both hunting and fishing. Those who participated in wildlife observation spent \$54.9 billion. Similar results are presented in The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States<sup>24</sup>.

It should also be noted that a study<sup>25</sup> of the economic impact of excise taxes on hunting, shooting, and fishing equipment found that in 2009 nearly \$1.2 billion was collected from excise taxes on firearms, ammunition, archery equipment and ammunition; funds that are distributed to the States to support a range of conservation and associated public use activities, as described in H-1.5.

The Final CCP will preserve large blocks of habitat to protect listed and sensitive species, while also making portions of the Refuge available for compatible wildlife-dependent recreational uses, including hunting and nonmotorized trail use. Management of the Refuge is intended to provide opportunities for all users to appreciate the resources being conserved within the Refuge.

### **H-1.7 A compatibility finding for hunting cannot be made**

- *The language from the Improvement Act identifying hunting as a priority public use MUST have been intended for those multi square-mile sized, rural and truly wild National Wildlife Refuges located in the north and central areas of the U.S. rather than those in our already over developed county of San Diego.*

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<sup>23</sup> U.S. Department of the Interior, U.S. Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau. 2011. National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. Revised in 2014.

<sup>24</sup> Southwick Associates, Inc. 2011. The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States. October 10, 2011.

<sup>25</sup> Andrew Loftus Consulting and Southwick Associates, Inc. 2011. Financial Returns to Industry from the Federal Aid in Wildlife Restoration Program. February 15, 2011.

- *The fragile nature of the Refuge ecosystem makes the impacts of hunting both more serious and less predictable compared to other units in the Refuge system. Rare and threatened species may be shot either on purpose or by misidentification. The presence of nearby urban populations unaccustomed to hunting practices—coupled with substantial visitor use which will never be completely on designated trails—make the chance of hunting accidents higher than elsewhere. For these reasons, a compatibility finding cannot be made and the practice should continue to be prohibited on the San Diego NWR.*

The factors we considered in making our determination that the establishment of an upland hunting program in the Otay Mesa and Lakes area of the Refuge would not materially interfere with or distract from fulfilling Refuge purposes or the mission of the Refuge System are described in detail in the Compatibility Determination for Upland Hunting presented in Appendix C-1 of the Final CCP. See also Responses H-1.1 and A.3.

#### **H-1.8 Hunting is compatible with Refuge purposes**

- *We reject the notion that hunting is not compatible with the purpose of the Refuge.*

Hunting has not been found incompatible with the purposes for which the San Diego NWR was established. Refer to Response A-3.2 and the compatibility determination provided as Appendix C-1 in the Final CCP.

#### **H-1.9 Explain why hunting proposed for the San Diego NWR**

- *Why is hunting being considered? Who benefits from this action? What kind of research was done that endorses it?*

Hunting is considered by many to be a legitimate, traditional recreational use of renewable natural resources. The National Wildlife Refuge System (Refuge System) Improvement Act of 1997 identifies hunting as one of the six wildlife-dependent recreational uses of a refuge, along with fishing, wildlife observation and photography, and environmental education and interpretation that should be permitted when it is compatible with the purposes for which the refuge was established. The Act states that increased opportunities for families to experience compatible wildlife-dependent recreation shall be provided, particularly opportunities for parents and their children to “safely engage in traditional outdoor activities, such as fishing and hunting.” The Committee Report (House Report 105-106) for this legislation states, “Because priority uses like hunting, fishing, wildlife observation and environmental education are dependent upon healthy wildlife populations, they are directly related to the mission of the System and the purposes of many refuges. If our refuges and the Refuge System are managed well, then these priority uses will, in turn, prosper into the future.” An analysis of the compatibility with Refuge purposes of permitting hunting on 160 acres of the Refuge is addressed in Appendix C-1 of the Final CCP.

Further, national wildlife refuges exist primarily to safeguard wildlife populations through habitat preservation. The word “refuge” includes the idea of providing a haven of safety for wildlife, and as such, hunting might seem an inconsistent use of the Refuge System. However, habitat that normally supports healthy wildlife populations produces harvestable surpluses of game species that are a renewable resource. Because hunting programs can promote understanding and appreciation of natural resources and their management on lands and waters in the Refuge System, Refuge managers are encouraged to provide visitors with quality hunting opportunities when they are compatible with Refuge purposes.



As practiced on refuges, hunting does not pose a threat to the wildlife populations, and in some instances, actually serves a sound wildlife management purpose. The harvesting of wildlife on refuges is carefully regulated to ensure equilibrium between populations and wildlife habitat.

The decision to permit hunting on national wildlife refuges is made on a case-by-case basis that considers biological soundness, economic feasibility, effects on other refuge programs, and public demand.

Additional information related to the compatibility of the proposed hunting program for the San Diego NWR can be found in the Compatibility Determination for Upland Hunting presented in Appendix C-1 of the Final CCP.

#### **H-1.10 Implement the hunting program described under Alternative C**

- *Why has the USFWS selected Alternative D, when Alternative C is clearly compatible and supports the Refuge System mission and is much more in accordance with stated policy to provide enhanced, quality hunting opportunities?*
- *Rather than foreclose almost all of the Refuge to hunting based on a "perceived" conflict, we propose that the hunting program in Alternative C be adopted with any potential conflicts being addressed with your current "step-down" program. For example, it would make sense to restrict hunting to be at least 100 yards from any designated trail and/or no shooting whenever a horse rider was within view. If conflicts between users were reported, further steps could be taken to mitigate these conflicts. The alternate approach, to severely curtail the hunting program such as proposed in Alternative D, would effectively eliminate hunting on the Refuge for at least 15 years.*
- *From the hunting and fishing standpoint, again assuming a correct reading of the proposal, 860 acres is by far the preferable choice. That is over 5 times the amount of land, and is still quite small compared to the over 11,500 acres in SDNWR. After all, 860 acres is less than 7.5% of the total area. If I had a vote, I would choose the option which opens the most lands to hunting and fishing in San Diego.*
- *I support Alternative C. There are too few public lands for hunting in SoCal. San Diego County Wildlife Federation and Safari Club International considers the hunting program specified in Alternative C to be minimally acceptable on the Refuge and even that does not give hunting the same opportunity for access that is enjoyed by the other priority public uses of the Refuge. Hunting deserves the same consideration given to other priority uses in the Refuge. We insist that the hunting program contain at least as much hunting access as specified in Alternative C.*
- *For the areas in which hunting would be allowed in Alternative C but not in Alternative D, the Draft CCP proposes to allow other public uses under Alternative D. According to the compatibility determinations that the planners prepared for wildlife-oriented recreational activities other than hunting, any alterations to wildlife behavior that might result from hunting activities will likely be the same or similar as those caused by other public uses. Consequently, the refuge cannot rely on wildlife behavior concerns as its basis for closing areas to hunting that are open to other public activities.*

- *In the section Compatibility Determinations (Appendix A-1) the DCCP list its Determination that the hunting program in Alternative C is Compatible with the Following Stipulations. We have not listed the stipulations, but we agree with them and would support their implementation. Furthermore, under the Justification for Alternative C the DCCP states we have determined that allowing the implementation of limited hunting on the Refuge would not materially interfere with or detract from fulfilling the Refuge purpose of protecting endangered or threatened fish, wildlife or plants nor does it interfere with or detract from fulfilling the Refuge System mission. Why has USFWS selected Alternative D, when Alternative C is clearly compatible and supports the Refuge System mission and is much more in accordance with stated policy to provide enhanced, quality hunting opportunities?*

After much consideration about how best to achieve all of the purposes and goals of this urban refuge, while also trying to meet the expectations of the public and adjacent residents, we selected the hunting proposal in Alternative D over that presented in Alternative C. This decision was not based on wildlife behavior concerns. Refer to response to H-1.1 for additional discussion of this topic.

#### **H-1.11 Implement Hunting as Proposed in Alternative D**

- *While we concur with the hunting area proposed in Alternative D, the hunting area proposed in Alternative C presents a safety hazard to residents in the vicinity of the east side of McGinty Mountain and is incompatible with current residential and wildlife observation trail usage.*

The hunting proposal described in the selected action is consistent with the hunting proposal addressed in Alternative D.

#### **H-1.12 Management Concerns with the Hunting Proposal in Alternative C**

- *The proposed hunting areas shown in Alternative C include the Sloane Canyon area, which is near several other conserved lands, including the Nature Conservancy's McGinty Mountain Preserve and Native American conservation lands. This is a relatively remote area that already sustains unauthorized uses and establishing a hunting zone near these lands could cause additional management problems. For these reasons, the hunting areas proposed in Alternative C are not appropriate. If hunting is a priority use, then the area proposed in Alternative D appears more appropriate.*

The hunting proposal included in the Final CCP is consistent with Alternative D. Hunting will be permitted on approximately 160 areas within the Otay Mesa and Lakes area of the Refuge, an area that abuts other agency properties where hunting is already permitted.

#### **H-1.13 Allow hunting on the Refuge that is restricted to archery only**

- *Allow hunting with the bow and arrow in the Refuge. Bow and arrow hunting would create less conflict with other users but would still allow hunting.*

- *I'm an avid hunter and resident of San Diego. I've read commentary on both sides of the conservation plan, and tend to agree that opening the refuge to rifle hunting may be more disruptive than is warranted. Why not allow hunting, but restrict it to archery only? This would mirror the management plan in the Mt. Laguna Recreation area, another recreation area in the region that serves heavy multiple use. This has provided a fruitful balance in that area of the national forest.*
- *If the anti-gun crowd is so worried about allowing hunting, just make it archery only.*

For the reasons presented in Responses H-1.1 and H-1.9, hunting will be permitted on approximately 160 acres within the Otay Mesa and Lakes area of the Refuge. Because this portion of the Refuge abuts public lands already open to hunting, we see no reason to limit hunting in this area to archery only.

#### **H-1.14 Allow all types of hunting on the Refuge**

- *My only quibble is that all legal types of hunting should be allowed, including the use of off-leash dogs.*
- *We want hunting opportunities to include birds, deer, pig, small game and varmint.*

The hunting program on the Refuge, which would occur on approximately 160 acres in the southeastern portion of the Otay Mesa and Lakes area, would be implemented under refuge-specific conditions and would permit the use of hunting dogs maintained under verbal command. Hunting opportunities would be provided for hunting of big game (i.e., deer), resident small game (i.e., rabbits), and resident and migratory upland game bird (e.g., dove, quail, wild turkey).

#### **H-1.15 There are adequate opportunities for hunting in the San Diego County**

- *The BLM lands just south of the Refuge provide more than ample opportunity (and acreage) for hunters and gun sport activities.*
- *Hunting should be prohibited on the Refuge as there is sufficient access to public lands for hunting on adjacent State lands, as detailed in Alternative B.*
- *Hunters make up a small percentage of the population and have plenty of places available to pursue their "sport." Please keep the refuge as a refuge.*

Opinions differ regarding how adequate opportunities for hunting are in San Diego County. The Final CCP proposes to provide an opportunity for hunting in a location where hunting is already permitted on the adjoining parcels. This proposal will provide additional acreage for hunting in an area already established for hunting purposes, and would not impact other uses, as this portion of the Refuge is not currently open to any public use.

**H-1.16 Opportunities for hunting are limited in San Diego County**

- *The DCCP mentions that there are plenty of other opportunities for hunting near the Refuge, which we suppose is an excuse for having such a limited hunting program on the Refuge. This is quite misleading. The only other hunting opportunities near the Refuge are the Hollenbeck Canyon Wildlife Area and portions of the BLM land on and about Otay Mesa. Rancho Jamul only allows dove hunting one weekend per year (by drawing a permit) and youth put-and-take pheasant hunt 3-4 weekends per year; it is generally not open to hunting. The East County BLM land and Boden Canyon properties are more than 50 miles away from the Refuge and central San Diego. We feel that opening Las Montanas and McGinty Mountain for hunting, as provided in Alternative C, will significantly help in distributing hunters in an area with otherwise limited hunting opportunities.*

Section 4.5.2.2 of the Final CCP provides information about a variety of hunting opportunities in the general vicinity of the Refuge; the restrictions at each area are also described. These areas include the Otay Mountain Wilderness, Hollenbeck Canyon Wildlife Area, Boden Canyon Ecological Reserve, San Felipe Valley Wildlife Area, the Cleveland National Forest, Barrett Reservoir, Sutherland Reservoir, and the Santa Ysabel East Open Space Preserve. Hunting is also permitted on the Otay Mountain Ecological Reserve.

**H-1.17 Hunting in the McGinty Mountain area raises safety, noise, and enforcement concerns**

- *Hunting in the vicinity of McGinty Mountain is a safety hazard to residents on the east side of the mountain and is incompatible with residential and wildlife observation, and trail usage.*
- *To assume hunters in the McGinty Mountain area will respect the set-back boundary and not stray off course to hunt is not very comforting to someone who lives (unseen) below the mesa and could be injured or worse in the event that stray bullets or arrows miss their mark.*
- *Issues of noise associated with gunfire echoing in the canyon and the potential for fire caused by ricochet or spent ammo are a concern.*
- *We see hunting as another problematic activity in the refuge that will also encourage people to wander from the permitted/designated allowable areas.*
- *To local residences adjacent to the McGinty Mountain area, hunting poses a safety hazard, a noise nuisance, and a fire hazard. While we appreciate USFW's attempt to establish State approved set-back requirements and to limit the weapons used, this is insufficient to address the safety issues applicable to the actual topography in question.*
- *Allowing hunting on the Refuge will encourage hunter trespass on adjoining conservation lands and private properties.*
- *There is also the concern of noise from hunting in the McGinty Mountain Area. Because of the canyon walls, noise will easily travel to our residence. Any hunting activity heard will be considered a nuisance occurring on USFW land. Noise from hunting will adversely impact and affect the enjoyment and use of our property. Finally, there is concern over the already ever present risk of fire from a spark caused by ricocheting ammunition.*

For the reasons presented in Responses H-1.1 and H-1.9, the Final CCP does not propose to open the McGinty Mountain area to hunting. Hunting will be permitted on approximately 160 areas within the Otay Mesa and Lakes area of the Refuge, an area that abuts other agency properties where hunting is already permitted.

**H-1.18 Allowing hunting on the Refuge raises safety issues and the potential conflicts with other Refuge visitors**

- *Public use on the Refuge has increased as the surrounding area has developed, with more users on the Refuge, safety is a concern. Equestrians or other trail users and their dogs may feel unsafe or afraid when hearing gun fire.*
- *Hunting should not be permitted on the Refuge because of the proximity of the Refuge to adjacent urban and rural residential areas.*
- *Against allowing hunting in areas that are close to residential or urban/metropolitan areas. Result is increase in illegal activity, increase in police trouble calls for mis-use of property/weapons, and increase in the demand for law enforcement of designated areas.*
- *Hunting on the Refuge should continue to be prohibited. Not only is the Refuge too important as a valuable ecosystem, the proximity to adjacent urban and rural residential areas and substantial visitor use, increases the likelihood of hunting accidents.*
- *Introducing firearms and other weapons presents a serious safety concern for the humans who enjoy spending time on the Refuge.*
- *Allowing hunting would negatively impact those of us who use this refuge and are not hunters by making it unsafe for us to be in the area when people are shooting bullets and arrows. The hikers far outnumber the hunters.*

The area proposed for hunting in the Final CCP is not currently open for public use and has no official trails. In addition, the adjacent State and Federal lands are already open for hunting. Therefore, the proposal to open approximately 160 areas within the Otay Mesa and Lakes area of the Refuge for hunting would not create any safety concerns for adjacent landowners or for other public uses.

**H-1.19 Allowing hunting on the Refuge will require expanded law enforcement and appropriate signage**

- *Any hunting area, if established, will require additional law enforcement presence and signage to clearly delineate the hunting area.*

A step-down hunting plan and opening package will be prepared and made available for public review and comment prior to opening the approximately 160 areas within the Otay Mesa and Lakes area of the Refuge for hunting. This plan will address regulations, boundaries, and enforcement. Hunting regulations for the Refuge will ensure the conservation of the resources, assist in managing the resources, and ensure safety. Generally, assurance for achieving these factors is provided in existing State hunting regulations, which often provide the framework for the hunting program. If State regulations do not completely address these criteria, refuge-specific regulations may be necessary. In this case, the refuge manager will work cooperatively with CDFW to develop and implement refuge-specific regulations. Signage will be necessary to delineate the area on the Refuge that is open to hunting and Federal Wildlife Officers, along with State Game Wardens, will be available to ensure compliance with all hunting regulations.

**H-1.20 To avoid hunting-related safety concerns, close hunting areas to other uses during the hunting season**

- *If the concern is safety, the Las Montañas and McGinty Mountain areas could be closed to other public use during the hunting season (approximately 3 months). We are not recommending that solution because we believe that the open regions of the Refuge should be shared by all who respect the habitat, including hunters. Hunters and other recreational users have shared the nearby Hollenbeck Canyon Wildlife Area for several years without incident, and shared use is the norm in the National Forests.*

The area proposed for hunting in the Final CCP is not currently open to any uses, and will only be opened to hunting. No safety concerns have been identified.

**H-1.21 Hunting and the NWRS Improvement Act**

- *The NWRS Improvement Act imposes standards that require biological and ecological evidence to support decision to open refuges to sport hunting activities, and the FWS is obligated to consider the environmental impacts of and alternatives to, the agency's decisions with regard to hunting in the Refuge system when preparing CCPs.*
- *The draft CCP/EA fails to demonstrate that hunting is necessary as a management tool on the Refuge.*

The NWRS Improvement Act states: “When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses.” It also directs us to ensure that we maintain the biological integrity, diversity, and environmental health of the NWRS for present and future generations of Americans. Although there is no specific discussion in the Act related to the need for biological and ecological evidence to support the decision to allow hunting, these issues were evaluated as part of the decision to allow hunting in the Otay Mesa and Lakes area of the Refuge. Further, we have evaluated the compatibility of this use with Refuge purposes pursuant to the FWS Compatibility Policy (603 FW 2), and have determined that, as proposed, the use would not conflict with the directive to maintain the ecological integrity of the System.

Neither the Improvement Act nor any FWS policies require that we demonstrate that hunting is necessary as a management tool on the Refuge. However, the Improvement Act does state that we should provide “increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting.”

Our obligation, under NEPA, to consider the environmental impacts of and alternatives to actions proposed by the agency, including its decision to permit hunting on a portion of the Refuge, has been met through the analysis provided in the draft CCP/EA, the public review process that followed, consideration of the comments provided during the public comment period, and the preparation of the Final CCP and Finding of No Significant Impact.

### **H-1.22 Hunting is not consistent with wildlife conservation**

- *I fail to see how hunting can be considered consistent with the goals of wildlife conservation.*
- *USFW benefits from the sale of firearms and simultaneously supports their use in national lands is a deep conflict which is unresolvable.*

The NWRS works to foster public understanding and appreciation of the natural world through wildlife-oriented recreation. This includes hunting, offered at more than 300 national wildlife refuges and protected wetlands.

Hunters have been long-time Refuge System partners. Sometimes called the “first conservationists”, they have played a role in the conservation of the nation’s wildlife resources since the late 19th century. Hunters do continue to support conservation by buying hunting licenses, and tags. By respecting seasons and limits, purchasing all required licenses, and paying Federal excise taxes on hunting equipment and ammunition, individual hunter’s contribution towards ensuring the future of many species of wildlife. These funds collected from hunters are distributed to State agencies. Each year, nearly \$200 million in hunters’ Federal excise taxes are distributed to State agencies to support wildlife management programs. The purchase of Federal Duck Stamps has been used to acquire lands for incorporation into the National Wildlife Refuge System, but none have been used for acquisitions on the San Diego NWR. Since 1934, the purchase of Federal Duck Stamps, required for hunting waterfowl anywhere in the country, has generated more than \$700 million, which has been used to acquire more than five million acres of habitat for the refuge system.<sup>26</sup>

### **H-1.23 Nature is best enjoyed when you interact with it**

- *People seem to have the opinion that nature is best observed from afar. I could not possibly disagree with this sentiment more. . . I believe particularly that eating wild foods, hunted, fished, and foraged, gives me a deep connection to these places.*

Comment noted. Each of the alternatives, including the selected action, presents a range of public uses that will provide visitors with the opportunity to interact with nature.

### **H-1.24 Address the cumulative impacts of hunting on the Refuge**

- *The proposed CCP must take into account not only the effects of hunting on other wildlife species in the Refuge, but also the cumulative impacts of hunting on wildlife, migratory birds, and non-hunting visitors to the refuge before permitting hunting.*
- *Alternatives C and D do not clarify or justify the cumulative impacts of hunting on target or non-target species. Rather, they state that since hunting of these species occurs in nearby areas, hunting on the Refuge should occur as well. This argument does nothing to address a scientific need for hunting.*

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<sup>26</sup> <https://www.fws.gov/hunting/whatdo.html>

Cumulative impacts to wildlife and other biological resources as a result of hunting are addressed in Section 5.11.2 of the draft CCP/EA. Hunting is not proposed to address a scientific need, it is proposed in accordance with directives provided in Federal law and because of the role hunting has and continues to play in the conservation of wildlife (refer to Response H-1.22). No adverse effects to non-hunting refuge visitors are anticipated because the area where hunting is proposed would be otherwise closed to public access.

#### **H-1.25 Address the adverse effects of hunting to adjacent areas**

- *The CCP mentions that adverse impacts can be mitigated by allowing adjacent areas where hunting will not occur. However, wildlife does not recognize land boundaries, and would continue to be negatively impacted by hunting.*
- *I cannot in any way see how hunting will be compatible with the area in the future.*
- *Balance the range of allowable recreational uses so that activities do not conflict with or otherwise preclude future City of Chula Vista and/or County planned recreational uses.*

In accordance with the Final CCP, hunting will occur in a portion of the Otay Mesa and Lakes area of the Refuge that is located adjacent to other public lands where hunting is already permitted. Recreational hunting in the Otay Mesa and Lakes area of the Refuge would remove individual animals, but would not have a negative effect on the overall wildlife populations within the Refuge boundaries.

#### **H-1.26 Discuss the status of existing populations of proposed hunted species**

- *The USFWS should disclose its knowledge of the status of existing populations of quail, dove, deer, etc. on the Refuge that will form the basis for determining annual take levels. How adequate is the existing database? And how will the populations be monitored for population size and hunting impacts on an annual basis? Unless the Service can provide actual population data and methods and staff time and survey budgets rather than empty assurances, there is no basis to conclude that impacts would be insignificant.*
- *I do not see enough game to support anything but a small amount of hunters, especially not during the drought conditions we have been seeing. Hunting activity will drive the Wildlife out of the huntable areas and quite possibly into more populated areas.*
- *Please don't allow hunting in this refuge as it appears that population control of these animals should be the only reason for allowing it. And it appears that this is not a problem on Southern California.*
- *Unless this refuge is no longer able to sustain the number of animals within its boundaries there is no reason to entertain the idea of opening the area up to hunters.*

Sections 3.3.4 and 5.4 of the draft CCP/EA address the status of existing populations of wildlife on the Refuge, with specific sections addressing the presence and relative abundance of quail, dove, deer, and rabbit on the Refuge.

Adverse effects to wildlife populations as a result of hunting are minimized through harvest regulations set by the State within Federal framework guidelines. The California Fish and Game Commission, in consultation with CDFW, annually reviews the population estimates to establish season lengths and harvest levels. The Refuge in coordination with the State and BLM, will utilize this information to verify that hunt season dates, bag limits, and/or number of hunters per day are appropriate for achieving sustainable populations of game species within carrying capacities of the lands in and adjacent to the Otay Lakes and Mesa area of the Refuge.



#### **H-1.27 Address conflicts between hunting and other planned recreational uses**

- *Expanding hunting opportunities (which were never anticipated as part of the Otay Ranch GDP or the Otay Ranch Resource Management Plan) adjacent to the Otay Ranch Preserve areas (or within future transfers of land to the Refuge) could directly and/or indirectly impact sensitive species.*
- *San Diego is densely populated and many families spend their time in our open space to hike and observe wildlife. When the majority of the citizens are not hunters, to introduce hunting into the SDNWR eliminates a large recreational area from an even greater number of potential users.*
- *Balance the range of allowable recreational uses so that activities such as shooting and hunting does not conflict with or otherwise preclude future City of Chula Vista and/or County of San Diego planned recreational uses.*
- *Non-consumptive uses of wildlife should remain the focus of the Refuge, as far more people use the Refuge to observe, enjoy, and photograph wildlife compared to the number of people who would use the Refuge for hunting, therefore, the impacts of hunting on these non-consumptive users must be taken into consideration. The CCP/EA must take into account not only the biological effects of hunting, but also the economic impact to the Refuge and surrounding businesses as a result of visitors avoiding the area during the hunting season.*
- *If hunting is allowed in the proposed areas, it would set a precedent that would likely lead to expanded regions for hunting in the future.*

The area proposed for hunting in the Final CCP is located immediately adjacent to other public lands that are already open to hunting and is separated from existing and future urban uses by existing conserved lands. The expansion of this existing hunting area is not anticipated to result in any adverse effects to existing or future development in the general area, nor would it eliminate a large recreational area for other users as this area is not currently open for general public use. As a result, no impacts to other users or any associated adverse economic effects are anticipated from the hunting proposal included in the Final CCP.

#### **H-1.28 Address potential conflicts with adjacent Sweetwater Authority lands and activities**

- *Hunting is incompatible with the Sweetwater Authority's wildlife protection programs, and authorized hunting on adjacent Refuge lands could increase the potential for illegal hunting on Authority lands.*
- *To minimize potential conflicts and assure the safety of Sweetwater Authority staff, other authorized personnel, and public use areas, hunting should continue to be prohibited in proximity to all Authority-owned parcels.*

Neither the draft nor the Final CCP proposes hunting in proximity to lands managed by the Sweetwater Authority.

**H-1.29 Address perceptions of conflict between recreational users (e.g., trail users, hunters)**

- *We believe that hunting, equestrian use, bicycle use and other activities can be safely conducted in the same areas. See for example the report "Potential Horseback Riding & Hunting Interactions" which has previously been delivered to you, which indicates that equestrians and hunters can share space if common courtesy is observed by both groups.*
- *Please understand that hunting has been proven compatible with bikers, equines and bikers on many public lands including our own Hollenbeck Canyon Wildlife Area and the Cleveland National Forest.*
- *I do not support opening new areas to hunting of our native wildlife. Hunters are a small and dwindling segment of our society. Hunting is in conflict with others who want to enjoy public lands safely and peacefully and who enjoy seeing the animals that hunters kill.*

User conflict perceptions differ among and between recreational users. Researchers have identified two principal reasons for recreation conflict: 1) the goals of one user group interfere with the goals of another user group in the same location; and 2) conflict associated with different social values<sup>27</sup>. There is always the potential for a user of one outdoor activity to experience some form of conflict when encountering a user of a different outdoor activity. This conflict is often minimal, but it can escalate depending upon numerous factors including: expectations about the outdoor experience, attitudes towards and perceptions of the environment, level of tolerance for others, and different attitudes held by different users<sup>28</sup>. Such conflict may involve competition over space, trails, views, and/or soundscapes. The distribution of uses to be managed on the Refuge, as described in the Final CCP, are proposed first and foremost to minimize impacts to listed and sensitive species and habitats consistent with Refuge purposes. The area proposed for hunting in the Final CCP is located immediately adjacent to State and Federal lands that already allow hunting. This portion of the Refuge is not currently proposed for other public uses. For these reasons, we have not identified the potential for significant conflicts between users as a result of the public use proposals to be provided on the Refuge.

**H-1.30 Implement measures to protect sensitive species in hunt areas**

- *If hunting is to be allowed, it should be limited to only the Otay Mesa and Lakes Area and practices should be put in place to eliminate its effects on sensitive species and their habitats. Additionally, if either the State or BLM lands adjacent to this area discontinues hunting, it should likewise be discontinued on these Refuge lands.*

A portion of the Otay Mesa and Lakes area of the Refuge has been designated for hunting in the Final CCP. Areas with the potential to support Quino checkerspot butterfly have been excluded from the hunt area and will be monitored to ensure protection of habitat quality throughout the Otay Mesa and Lakes area. In accordance with Refuge policy, the use of this area for hunting will be reevaluated at least every 15 years to ensure that hunting in this area continues to be compatible with Refuge purposes.

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<sup>27</sup> Wisconsin Department of Natural Resources. 2005. Outdoor Recreation in Wisconsin. The 2005–2010 Wisconsin Statewide Comprehensive Outdoor Recreation Plan.

<sup>28</sup> [http://www.apps.dcnr.state.pa.us/forestry/sfrmp/documents/Recreation\\_Recreational\\_User\\_Conflict\\_Resolution\\_Principle%E2%80%A6.pdf](http://www.apps.dcnr.state.pa.us/forestry/sfrmp/documents/Recreation_Recreational_User_Conflict_Resolution_Principle%E2%80%A6.pdf)

### **H-1.31 Address the impacts of hunting on the Refuge**

- *We are particularly concerned about the fire risk, spread of invasive weed species from off trail activity, and the need to close off areas of the Refuge to non-consumptive users that will result from hunting and urge that the EA fully address these impacts if hunting will be allowed.*
- Negatively impact soil, water quality and aesthetics by increasing the volume of metals and litter disposed on the land.

The potential for impacts to sensitive resources as a result of hunting activity was addressed in Section 5.5.3 and 5.5.4 of the draft CCP/EA. Uses in the area would be limited to hunting, therefore, the potential for conflicts with other users is not an issue. Risk of fire and the potential for spreading of invasive weed species associated with hunting is no greater than that associated with other public uses on the Refuge.

### **H-1.32 Do not permit hunting on the Refuge**

- *There is absolutely no need for hunting in these areas.*
- *In the end, the biggest concern for us is the assumption that hunters will educate themselves to note and respect the permitted hunting boundaries, the set-backs, and only use the prescribed weaponry and ammunition. Again, this requires self-policing, something, because of the potential danger level involved, we would rather not rely on.*
- *Hunting should continue to be prohibited.*
- *To introduce hunting to an area approximately 8 miles from downtown is ludicrous.*
- *Please do not allow hunting in the San Diego refuge. Save the animals.*
- *Hunting should not be permitted on the Refuge because of the important values provided by the existing habitats.*
- *I am writing to ask you to UPHOLD THE BAN ON HUNTING . . . We need to teach our children to have compassion to all living things, not killing.*
- *The new Conservation Plan should adopt no new hunting allowances. These places are in name and practice wildlife “refuges” where the majority of the public seeks to enjoy wildlife and nature without fear of wayward bullets, noisy gunfire, increased risk of fire, lead ammo pollution to wildlife, or temporary closures to other users due to hunting contests.*

Refer to Responses H-1.1, H-1.21, H-1.22, and H-1.25.

### **H-1.33 Hunting of specific species**

- *Only pigs and horses should be hunted.*

If feral pigs are identified on the Refuge, they will be removed in accordance with the Feral Pig Monitoring and Eradication Plan (Appendix E), as this will provide the most effective control of feral pigs on the Refuge. There are no wild horses on the Refuge.

- *I do not understand the reason for including doves in the allowable game. What would anyone do with a dead dove?*

Doves are hunted for food.

**H-1.34 Acknowledge pain and suffering related to hunting**

- *Regarding the environmental assessment/compatibility determinations, the pain and suffering intrinsic to this form of recreation are not acknowledged as an impact nor assessed relative to Refuge purposes.*

We acknowledge that some animals will feel pain and may suffer due to hunting. There are however a number of factors that go into determining if hunting will result in a significant adverse effect, as described in the draft CCP/EA. Refer to Response A-3 regarding the relationship between hunting and refuge purposes.

**H-1.35 Hunting encourages social violence**

- *With the mounting gun violence running rampant in our country it seems of paramount concern to limit such activities rather than promoting it for "sport." The cost of such conduct far outweighs any limited or perceived benefit.*
- *As to the increased use of firearms in SD county. BAD IDEA!! Research shows a connection between killing animals as sport and violence. You would not want to encourage future generations into this cruel way of doing things without compassion today in our turbulent society and world. Please do not allow more guns, more violence, and the development of more thoughtless people who think it fun to end the lives of innocent animals that have no other place to go. Thank you for making our world a safer place for people and animals.*

Jan Dizard (2014)<sup>29</sup> addresses the question of why people hunt, stating that there are probably as many reasons to hunt as there are hunters. But Dizard goes on to say that there are four core reasons for hunting that are most commonly discussed, including: "to experience nature as a participant; to feel an intimate, sensuous connection to place; to take responsibility for one's food; and to acknowledge our kinship with wildlife." It is for these reasons that hunting is considered an appropriate use on a Refuge. Hunters have a long history of supporting the conservation of natural areas, and although some species are hunted, conserved lands support a range of plant and animals species that all benefit from this conservation ethic.

**H-1.36 Concerns related to unleashed hunting dogs**

- *It is unfair and irresponsible that "Alternative D" would allow hunters' dogs to receive preferential treatment and be allowed to roam the Refuge off leash ultimately disturbing wildlife.*

The use of trained hunting dogs during hunting is an integral part of the hunt. In addition to assisting hunters in locating game, dogs assist in locating downed game, thereby reducing game waste. The use of hunting dogs in areas open to hunting occurs in accordance with the applicable requirements specified in California Code of Regulations Title 14-265 (Use of Dogs for Pursuit/Take of Mammals or for Dog Training). These regulations require that dogs be under voice control at all times. Additional refuge-specific regulations related to the use and control of hunting dogs in the designated hunt area could be developed, if deemed necessary, as part of the required hunt plan that must be prepared prior to opening a portion of the Refuge for hunting.

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<sup>29</sup> Dizard, Jan. 2014. Why Hunt? Minding Nature 7(3):18-23. Center for Humans & Nature.

### **H-1.37 Impacts to the environment from lead bullets**

- *Should be concerned about the potential for lead from bullets getting into the wildlife predatory chain, resulting in the unnecessary loss of potential listed and sensitive species.*
- *Other concerns are that the shells left behind pose a hazard to wildlife.*
- *The draft CCP/EA does not address the prohibition of the use of lead ammunition on the Refuge. With alternatives to lead ammunition readily available and the phase-out of lead ammunition for hunting in California already underway, there is no reason to allow lead ammunition to be used for hunting on the Refuge. If an alternative that permits hunting is approved, we urge the Service to address this important issue in the step-down hunt plan and require the use of nonlead ammunition.*

As of July 1, 2015, nonlead ammunition is required when hunting on all CDFW lands, and since July 1, 2016, hunters have been required to use nonlead ammunition when hunting with shotguns for small game mammals, fur-bearing mammals, and nongame birds except when hunting at licensed game bird clubs. Starting on July 1, 2019 hunters must use nonlead ammunition when taking any wildlife anywhere in the state for any purpose. Because the use of nonlead ammunition is already required on all CDFW lands, as well as anywhere in California for most mammals and nongame birds, it is likely that hunters traveling between CDFW's Otay Mountain Ecological Reserve and the designated Refuge hunting area in the Otay Mesa and Lakes area would already be using nonlead ammunition. Because Refuge-specific hunting regulations must, at minimum, comply with State hunting regulations, statewide prohibition of lead ammunition to be imposed by the CDFW in 2019 would apply to Refuge lands as well.

### **H-1.38 Coordinate with others on a step-down hunt plan**

- *Should areas of the Refuge within the Sweetwater River Watershed be authorized for hunting under the Final CCP, the Authority's participation in the step-down hunt program planning process is requested.*

No hunting is proposed on the Refuge within the Sweetwater River watershed.

- *San Diego County Wildlife Federation and San Diego Safari Club International would be happy to work with the Refuge management in defining a step-down plan and in educating local hunters about the policies and regulations in that plan, and on the rationale for the plan.*

The Service proposes to work with all interested stakeholders in the development of a step-down hunting plan for the Otay Mesa and Lakes area of the San Diego NWR, and welcomes the participation of the San Diego County Wildlife Federation and San Diego Safari Club International in this process.

### **H-1.39 Allowing hunting in this area will set a precedent**

- *If hunting is allowed in the proposed areas, it would set a precedent that would likely lead to expanded regions for hunting in the future.*

The Final CCP proposes to open an area of the Refuge to hunting that abuts public lands already opened to hunting. We therefore do not consider this proposal to be precedent setting.

#### **H-1.40 Don't allow hunting near the Safari Park preserve area**

- *The San Diego Zoo Global and the Safari Park preserve area for rare and endangered species should not be surrounded by areas where hunting is allowed.*

The San Diego NWR is not located in proximity to the San Diego Zoo or the Safari Park. Hunting proposed on the Refuge will occur adjacent to other public lands already open for hunting in an area south of Otay Lakes Road.

#### **H-2 – Fishing**

- *Sweetwater Authority supports the decision not to open the Refuge to sport fishing.*

Comment noted.

- *Consider what fish could be stocked and if that occurs please supply necessary containers for fishing waste.*

The riparian habitat along the Sweetwater River supports the federally endangered least Bell's vireo; therefore, to avoid adverse effects to the species and to protect its habitat, the selected alternative does not include any proposals for fishing on the Refuge.

#### **H-3 – Wildlife Observation, Interpretation, Photography**

##### **H-3.1 Provide a viewpoint along Jamacha Boulevard**

- *I would like to suggest an addition of a viewing point on the north shore of the Sweetwater Reservoir along Jamacha Blvd.*

The north shore of the Sweetwater Reservoir is not located within the Refuge boundary; therefore, the Refuge has no jurisdiction to establish a viewing point along Jamacha Boulevard. Such a proposal would require approvals from the Sweetwater Authority, California Department of Transportation, and/or the County of San Diego.

##### **H-3.2 Consider an appropriate reuse of the Barn at the Oaks**

- *Make the Barn at the Oaks an interpretive center.*
- *Finding an adaptive reuse (perhaps a visitor center or community center) of the Barn at the Oaks that would rehabilitate it should be an objective.*

Presently, the Refuge has no viable public access route onto the Barn at the Oaks site, nor is there sufficient area on the site for public parking. If an agreement can be reached with an adjacent property owner for access and parking, interpretation of the Barn at the Oaks and its history could be revisited at that time. It should be noted that presently, the structure is stabilized, but is not suitable for reuse as a public facility. Additional funding would be required to upgrade the facility for public use.

### **H-3.3 Interpret and inform visitors of Refuge purposes**

- *A key element is active education of refuge visitors of the purpose of the refuge and the importance of compliance in order to retain the privilege to access the trails within the refuge.*
- *We also understand that creating a rule on a sign that states “Visitors are required to stay on the designated trails” may indeed be enough to gain compliance for an area that has never before experienced trail users. This is definitely not the case here on the refuge.*

We concur, and although signage is an important tool in disseminating to the public the purposes of the Refuge, even more important is the example of stewardship being provided by our current trail partners. We intend to continue to build these partnerships as we move forward to implement the trail plan for the Refuge.

## I. Issues related to recreational trail use

### I-1 – Federal land should be available for public use

- *The property that USFWS has acquired with PUBLIC funds (i.e.: Border Patrol, Prop Funds and Mitigation) should NOT be closed to the public in a manner that you are proposing.*
- *The citizens are collectively the owners of all public lands, including the San Diego NWR.*
- *I believe the FWS should protect “PUBLIC” LANDS but also allow the public to enjoy them. Being a taxpayer I pay for these lands and believe I should have access to the local areas...*
- *To restrict the citizen’s use of an area that was largely paid for by our tax dollars and continues to be run by our tax dollars is simply wrong.*
- *Please keep our trails open.*

Although the lands within the Refuge are Federal lands, more than half of the total acreage within the Refuge, is specifically designated as some form of mitigation for impacts to species and habitat occurring outside of the Refuge boundaries. This includes approximately 3,000 acres that were purchased by or for the Refuge to mitigate for the loss of sensitive species as the result of development. Another 43 acres was provided to the Refuge as mitigation to protect sensitive Quino checkerspot butterfly habitat. The sensitive species and habitats on these specific parcels must be preserved in perpetuity. While Congressionally-appropriated funds are used for ongoing management, the balance of land acquisitions have been through the Land and Water Conservation Fund, a program that does not use tax revenue, but rather uses fees on offshore oil and gas drilling to preserve and protect national lands and waters.

There are also three mitigation banks included within the Refuge. These banks, which encompass an additional 3,100 acres of the Refuge, are intended to mitigate impacts to sensitive species and habitat for an array of public projects. The 1,832-acre Rancho San Diego mitigation bank, which includes much of the Sweetwater River management area, is owned by SANDAG, Caltrans, and the County of San Diego. The 1,186-acre San Miguel Conservation Bank is owned by the San Diego County Water Authority, and the 79-acre Singing Hills bank is owned by the County of San Diego. In all cases, the Refuge has been identified as the party responsible for the protection, management, and monitoring of the sensitive habitats and the MSCP-covered species present within the bank properties.

As a result of these encumbrances, the Refuge must necessarily balance the conservation of sensitive resources with the desire to accommodate public use. The Refuge is not intended to provide a level of recreational use that would be provided by a County park or other regional park in the area. The primary purpose of this Refuge is the conservation of listed and sensitive resources, including species covered by the San Diego MSCP.

A trail plan is presented in the Final CCP that provides a network of trails that will allow the public to experience the resources protected within the Refuge, while also providing for conservation in a manner that meets the obligations associated with the inclusion of these lands within the Refuge.



## **I-2 – Closing areas to public access**

- *What are the criteria for closures?*

The National Wildlife Refuge System Improvement Act of 1997 maintained the historic Refuge System policy that refuges are "closed until open." That is, in order to ensure that wildlife needs come first, existing refuge lands and waters are closed to public uses until they are specifically opened for such uses. In addition, proposals to accommodate compatible uses on the Refuge must comply with a variety of Federal laws, including but limited to, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act (see Table 1-1 and Appendix K in the Final CCP for more information). Large areas of the Refuge have been designated as Critical Habitat for a range of federally listed species. As described in Response I-1, more than half of the total acreage within the Refuge was specifically incorporated into the Refuge as mitigation for development impacts to species and habitat occurring outside of the Refuge boundaries. Through the CCP process, a thorough evaluation of the potential effects of various public use proposals was conducted and all proposed uses were reviewed for compatibility with the purposes for which the San Diego NWR was established. The decision to open portions of the Refuge to a range of public uses, while preserving large blocks of undisturbed habitat to support species and habitat conservation was made based on consideration of all these factors and is consistent with the Refuge Improvement Act.

## **I-3 – Retain Existing Trails**

### **I-3.1 All existing trails on the Refuge should be retained**

- *There were past areas with set trails established. Explain why you want to close certain trails.*
- *It is our duty to keep many open spaces available to all people not to close them down.*
- *I am writing to you to voice my opposition to any trail closure or restrictions to the San Diego Refuge. This just appears to be another "land grab" by those in power who think they know what is best for everyone and everything.*
- *As a regular rider of the trails that lead to San Miguel Mt. from Bright Valley Farms I find it very sad indeed that these trails that inspire so much inspiration shall be closed to the taxpayer, especially those of us who love nature the most.*
- *PLEASE allow the trails that are already in place to remain (Plan A). They are a gift to the many people (such as me!) who use and love them. Hikers, bikers and equestrian use of already established trails has far less environmental impact than hunter off trail activity.*
- *This is complete waste of taxpayers' money; the trails have been used and maintained by users for years.*
- *Public access to the existing trail system, which in almost all cases predates the establishment of the Refuge, is considerably reduced under all Alternatives and must be responsibly restored.*
- *More effort needs to be put into incorporating more of the existing user created trails into the designated trail system.*

The trails that exist on the Refuge today include trails and old roads created by previous landowners; trails likely created by the Native Americans who lived within and/or traveled through the various properties that make up the Refuge; trails and pathways created by users without regarding for ownership or land purposes; and trails such as the Sweetwater River Regional Trail and Par 4 Trail that were approved through a formal planning process.

Refuge staff spent considerable time in the field over the past two years evaluating site conditions throughout the entire Refuge. We have walked essentially all of the trails, pathways, and old road cuts present on the Refuge. Some are very recent; some have obviously been used for a long time. Other trails have not been used in many years.

During our site visits, we documented conditions both on and off the various old roads, trails, and pathways within the Refuge. We observed trails and old roads that follow the existing contours of the terrain and exhibit minimal erosion and relatively few off-trail impacts. Other trails and old roads travel down steep slopes instead of following the contours of the land. This has resulted in deeply incised trail treads, pathways with serious cross-slope issues, and/or highly rutted trails with expanding footprints as users attempt to avoid eroded sections. Use of these unsustainable trails will continue to result in excessive erosion, indirect impacts to sensitive vegetation from eroded soils, and direct loss of sensitive vegetation and wildlife habitat. We also documented recent vegetation removal to create trail jumps and user-created trails that extend through endangered plant and wildlife habitat.

To protect land and water quality, unsustainable trails or trails that threaten habitat quality for listed and sensitive species, will be closed. Those trails that are generally sustainable and provide opportunities for users to enjoy and appreciate the resources protected on the Refuge have been incorporated into the final trail plan. The final trail plan also includes proposals for rehabilitating some of the existing trails through improvements to the trail tread, incorporation of measures to effectively move water off the trail, and/or realignment of particularly bad sections. In addition, several new trail connections are proposed.

During our site visits, we examined appropriate locations for providing new sustainably designed trails and trail connections. With assistance from the trail community, we proposed to construct a sustainable trail that will provide a connection between Proctor Valley and the Sweetwater River Trail. We have also been working with the County and the Sweetwater Authority to identify a potential new route for the Sweetwater River Trail that will avoid impacts to vernal pool habitat, and we are examining several options for providing legal access into the McGinty Mountain area of the Refuge.

The trail plan presented in the Final CCP takes into consideration the results of our on-site analysis of the existing conditions throughout the Refuge, including the presence of listed and sensitive species and habitats. We also considered the many comments provided in writing and at the various trail meetings held during the public comment period that provided specific proposals for trails and trail connections. We also took into account the availability of legal access onto the Refuge from adjacent properties. The final trail plan will ensure the protection of sensitive species and habitats while also meeting the desire for an interconnected trail system within the Refuge that also connects to existing trails within the regional trail network.

### **I-3.2 Provide scientific support for trail closures**

- *I'd like to see the scientific arguments for their closure and a monitoring plan that would be put into effect would measure the effect of closure on the wildlife.*
- *Those of us using these trails have seen no decline in habitat or species on these Federal lands.*
- *I have hiked the area in question for over 20 years and have seen the increase in use of our trails. However, to be honest, I have witnessed little abuse of the areas. The majority of the people stay on the designated trails and area respectful of others using the same paths. I also have not witnessed devastation to the environment.*

There are multiple reasons for the need to close some trails within the Refuge. These include direct and indirect impacts to habitat and species, as observed in the field during site visits and sensitive species monitoring; poorly laid out, eroding trail treads that impact water quality and lead to the loss of vegetation as the trail tread continues to widen, and general disturbance in areas designated as critical habitat for listed species. Examples include trampling of endangered plants from trail use on McGinty Mountain, loss of coast barrel cactus and recently planted Mexican flannel bush on Mother Miguel Mountain, and impacts to San Diego ambrosia in the Par 4 area. A substantial body of published scientific studies have documented a variety of generally deleterious effects that trails and trail use have on abundance, distribution, and diversity of a broad spectrum of wildlife, ranging from insects to large mammals. It is reasonable to assume that such deleterious effects, over and above those that Refuge staff have directly observed, are taking place on the San Diego NWR. The system of trails proposed in the Final CCP is an attempt to reduce these deleterious effects, while allowing the public to enjoy the resources present on the Refuge.

Another consideration for siting trails within the Refuge is the purpose for which a particular parcel of land was included within the Refuge, as describe in Response I-1. For those lands set aside to mitigate impacts to sensitive species and habitats resulting from development approvals elsewhere in the region, impacts must be minimized.

The final trail plan, which includes a system of interconnected trails, takes into consideration the need to protect sensitive habitat and species along with the condition of the existing trails and the observed effects these conditions are having on adjacent resources. Some trails will be closed. Other existing trails will require rehabilitation to improve sustainability and reduce erosion and habitat loss. Of the user created trails that will be closed, some will be replaced with alternative trail routes that avoid sensitive habitat. The majority of the trails to be replaced with new trails will be closed upon completion of the new trail route.

- *User created trails would be subject to closure in the vernal pool area – why*

Vernal pool habitat on the Refuge and the adjacent Sweetwater Authority property supports several federally listed endangered species. Walking through these areas results in the direct take (loss) of individual plants and animals, along with indirect impacts associated with habitat disturbance (e.g., soil compaction, altered hydrology, introduction of invasive weeds, facilitation of hybridization of endangered species) and destruction.

The County of San Diego and the Sweetwater Authority are currently exploring alternative trail routes for the Sweetwater River Regional Trail that do not impact vernal pools on the Sweetwater Authority's property. The Service would be amenable to supporting a portion of that realignment on Refuge land; however, to accomplish that will require cooperation and approvals from SDG&E. We hope that by working cooperatively, we can identify solutions that protect sensitive habitats and accommodate public use that supports the conservation of MSCP and Refuge lands.

### **I-3.3 Do not close access between SR 94 and Sweetwater Summit Park**

The draft CCP did not include a proposal to close access between SR 94 and Sweetwater Summit Park under any of the alternatives. There have been on-going discussions between the Sweetwater Authority, County of San Diego, and the Carlsbad Fish and Wildlife Office (CFWO) about the need to protect sensitive vernal pool habitat to the southeast of the Refuge on a portion of the County's Sweetwater River Regional Trail. As part of our continuing effort to provide opportunities for the public to experience and appreciate the resources protected within the Refuge, the San Diego NWR has been working with the County, Sweetwater Authority, and CFWO to identify a new

route for the Sweetwater River Trail in this location that avoids impacts to vernal pools, while also providing an enjoyable trail experience. The trail plan in the Final CCP incorporates the new alignment proposed for the regional trail. This realignment will also avoid a severely eroded section of the regional trail, improving accessibility for all users. The final trail plan will continue to provide a connection between SR-94 and Sweetwater Summit Park via the County's Sweetwater River Regional Trail.

#### **I-3.4 Why limit the number of trails proposed**

- *Meshing all this activity to 2 designated trails will result in people passing each other off trail, stressing horses with extra activity, and the probable likeliness of more injuries due to the overcrowding.*

None of the alternatives included in draft CCP/EA proposed a trail system that only consisted of two designated trails. The trail plan presented in the Final CCP proposes a network of trails throughout the Refuge. Where legal connections are available to trails in adjacent areas, the Refuge's trail system will provide connections to those trails. For information regarding the final trail plan, refer to Responses I-3.1 and Section 3.3.5 of the Final CCP.

#### **I-3.5 Closing trails results in overuse of remaining trails**

- *Restricting the number of trails as proposed in Alternatives B, C, and D would result in overuse of the remaining trails.*
- *Eliminating trails and closing a large portion of the Refuge to the public will increase use of the small area of the Refuge that would remain open providing accelerated damage, safety issues, due to multiple users and sever the State trail network.*
- *Your original proposals go way too far in closing trails, you have proposed to provide only enough designated trails to create dangerous situations where hikers, bikers and equestrians are forced to share trails.*
- *The more trails there are, the less any one trail is used and the environment less impacted.*
- *Forcing all refuge visitors onto a trail system that is not capable to handle the amount of visitors will create conflict between the different trail user groups. Furthermore, the perception of the trail user conflicts may happen may be enough for trail users to seek alternate, unauthorized routes.*
- *Open a redirected or new trail, before closing an old trail, then you are providing something in place of taking something else away, but it needs to be equal to what was there, not less.*
- *Possible closure of trails will disrupt the trail network.*

Based on the comments provided during the public comment period, trail planning for the Refuge was reevaluated and additional trails and trail connections have been incorporated into the trail plan presented in the Final CCP. The final trail plan takes into consideration the purposes of the Refuge, the management requirements for the many mitigation parcels and three conservation banks that have been set aside within the Refuge boundary as mitigation for impacts from adjacent development to sensitive species and habitat, and the desire to provide opportunities for compatible, responsible, and manageable public use within the Refuge. As described in Response I-3.1 and Section 3.3.5 of the Final CCP, the final trail plan will provide a network of trails throughout various portions of the Refuge, while also protecting sensitive habitats and species. The trail plan will complement the County's regional trail network and provide connections to various parts of the Refuge. Some areas of the Refuge are not currently accessible via legal access points;

once those access issues have been resolved additional trail planning will occur (e.g., McGinty Mountain, south Las Montañas area). We will continue to work with adjacent land managers to identify potential connection and/or access points that will improve trail connectivity with adjacent communities.

#### **I-4 –Acknowledge the existing and planned public trails on the Refuge**

- *Acknowledge existing public trails and previously planned trail alignments and corridors, and note existing trail connection points on adjacent properties.*
- *Many of the communities in the vicinity of the SDNWR have adopted Community Trails and Pathway Plans. The County would appreciate the opportunity to work with the SDNWR to incorporate these proposed trails into the SDNWR trail plan.*

Although the trail proposals described in the draft CCP/EA did not include all of the old roadways, old trails, and more recent user created trails that exist on the Refuge, the draft CCP/EA did acknowledge that they were present. The proposals in the draft also considered the County's regional and community trail plans, although not all community trails were included as designated trail corridors.

As described in Response I-3.1, the trail plan included in the Final CCP was developed after spending numerous weeks in the field evaluating the condition, level of use, and sustainability of existing trails, pathways, and old roads on the Refuge. We also evaluated trail proposals and connections included in County and City of Chula Vista trail plans. Existing habitat quality, the proximity of listed and sensitive species to existing and proposed trails, and the need to protect areas included in the Refuge as mitigation for other development or included in established mitigation banks (refer to Response I-1) was also considered. Another factor affecting where trails can be planned is the availability of legal access from the Refuge onto adjoining lands. All trails that connect to areas outside of the Refuge boundary must connect via legal access routes or public rights-of-way. Because much of the Refuge does not abut public rights-of-way, access is an issue in several locations, including McGinty Mountain and south Las Montañas. We are currently working with several adjacent property owners in an effort to obtain legal access routes onto the Refuge. As part of that planning effort, additional trail routes are being considered that would extend from these future legal access points to other trails within the Refuge. Where the only access onto Refuge property is through adjacent private property or otherwise closed property, access onto Refuge lands through these properties will continue to be prohibited until legal access rights are obtained from the landowner.

The designated trail system presented in the Final CCP takes into consideration the County's trail plans for the area. The proposed or a similar alignment is presented for many of these trails. There are however exceptions. Alignments included in the final trail plan minimize impacts to listed or MSCP-covered species; limit alteration of the habitat quality of lands included within a mitigation bank or on land set aside as mitigation for impacts related to existing developments; and avoid lands for which we have no legal access rights. Examples include: 1) the portion of the Las Montañas area located north of SR-94 where only a small connector trail is proposed, the remainder of this area will be closed to public use in an effort to protect habitat critical to the survival of the endangered Quino checkerspot butterfly; 2) the southern Las Montañas area, where the Service currently has no legal access from the public right-of-way to this area of the Refuge (we are not permitted to provide trails that require the crossing of private property, the use of private streets, or access onto other lands without legal access agreements), if one or more agreements can be obtained, trail planning will be initiated in this area; and 3) the County proposal to extend a trail from the Sweetwater River east around San Miguel Mountain peak, an area with

excessively steep slopes, intermittent private properties, and habitat that supports a pair of golden eagles; for these reasons, this trail is not included in the final trail plan.

- *There is an extensive trail system network within and surrounding the Refuge, that is woven into the fabric and culture of the community, which has existed for decades. The establishment of the Refuge was initially a welcomed addition to the community, as it was seen as a compatible neighbor to the rural, equestrian culture of this community. Assurances were made during the establishment of the Refuge that public access via the trail system network would be maintained. The proposed Alternatives in the CCP/EA disrupt the integrated trail system network and are not consistent with assurances made to the community during the establishment of the Refuge.*

A Conceptual Management Plan<sup>30</sup> was prepared in 1997 during the initial planning process for the San Diego NWR to provide landowners, government agencies, and the interested public with a general understanding of the anticipated wildlife, habitat, and public use management approaches for the San Diego NWR. With respect to public use, this document states “As part of the National Wildlife Refuge System, the San Diego National Wildlife Refuge will provide opportunities for wildlife-dependent recreational uses that are compatible with the refuge purpose . . . Unlike most lands managed by the U.S. Bureau of Land Management and the U.S. Forest Service, national wildlife refuges are not multiple use lands. On national wildlife refuges wildlife purposes are always the primary land use. . . The Service is committed to providing high-quality, safe, and accessible wildlife-dependent interpretation, recreation, and education opportunities. . . High quality wildlife-dependent recreational opportunities rely on healthy habitats and healthy populations of endangered species, migratory birds, and other native species. Therefore, some constraints on public use and recreation are necessary.” The Conceptual Management Plan states that regional and subregional, as applicable, trail corridors approved by the County and City governments will be accommodated, but also states that “to protect sensitive wildlife areas, certain core areas within each refuge unit would not be open to the public.”

The draft and final CCP acknowledge the County approved and planned trails in and around the Refuge. The final trail plan, with the exceptions noted above, is generally consistent with County trail plans, and some trails are proposed that are not included on the County’s plans. The trail system proposed for the Refuge will provide connections to existing trails where there is legal access, provide connections between different areas of the Refuge, and accommodate the County’s Sweetwater River Regional Trail. We are also working with the County to identify connections through the Refuge that are needed to resolve existing access issues on lands adjacent to the Refuge, including a revised route for the Sweetwater River Trail to avoid vernal pool impacts on Sweetwater Authority land and a connection from the Sweetwater River Trail through the McGinty Mountain area.

#### **I-5 – Connect Refuge trails to adjacent regional trails**

- *Connectivity is vital. Please seek to provide access from and to region connections, such as the California Riding and Hiking trail and to neighborhoods . . . a good trail system will help to protect the habitat you seek to protect.*
- *Work with the County and California State Parks to identify a safer alignment for the California Riding and Hiking Trail in the area along Otay Lakes Road, including a potential alignment within the Otay Mesa and Lakes area of the Refuge.*

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<sup>30</sup> USFWS. 1997. Conceptual Management Plan San Diego National Wildlife Refuge. San Diego County, California.

The Refuge trail plan provided in the Final CCP has been designed to provide connections to existing community trails and the County's regional trail system where these trails are contiguous with Refuge lands or there is legal access to provide such a connection. It is important to understand that we are not permitted to facilitate access onto a Refuge in a manner that would require users to trespass onto private property or use other lands for which we do not have an existing agreement for access with the landowner. As a result, access onto areas such as McGinty Mountain and Los Montañas is limited at this time, but we are continuing to work with adjacent landowners to obtain permission for the public to access Refuge lands through adjacent landholdings.

The trail plan does provide access to existing public rights-of-way and established County trails wherever they abut Refuge land. Examples include access to the Mother Miguel Trail from an existing County trail easement that extends through land owned by San Diego Gas and Electric Company; extension of a County trail that travels west from Steele Canyon Road to the Par 4 area of the Refuge; and access from the Proctor Valley area through Hidden Valley and ultimately to the County's Sweetwater River Trail. We also propose to work with the County to identify a trail route that will connect the Sweetwater River Trail with the trail system on the Pointe development.

#### **I-6 – Trail use is a wildlife dependent use**

- *We feel that the activities of Equestrians, Mountain Bikers, Hikers, and Walkers are wildlife dependent. These trail users are part of the "observation" group of users designated by USFWS.*

We concur that many, but not all, trail users are also out on the Refuge to observe wildlife. Nevertheless, trail use in and of itself is not called out as a priority use in the Improvement Act. This does not however change the manner in which we consider compatibility or the way in which we analyze the potential for adverse effects to species and habitat. All uses, whether they are considered priority public uses or other public uses must not impede our ability to achieve Refuge purposes, which in the case of the San Diego NWR includes the conservation of listed and sensitive species. The trail proposals and uses that will be accommodated on the Refuge trails, as described in the Final CCP, have been found to be compatible with Refuge purposes.

#### **I-7 – Close unauthorized trails**

- *Granted it would be a shame to close off respectful and considerate public use to USFW lands. But public use must be extensively curtailed from the current "anything goes" recreational attitude.*
- *I would like to see all unauthorized trails closed down.*
- *All other trails and old roads should be decommissioned, giving priority attention to those with erosion causing silting into water resources.*
- *San Miguel has sustained considerable impact from fire. There are a number of user created trails. Most of them need to be decommissioned due to their collective detriment to the first priority standards of this refuge.*
- *We ask USFW to close off the user created trails immediately to the west of our parcels.*

As described in Response I-3.1, a trail plan has been developed that will involve the closure of some trails, the rehabilitation of others, and in some cases the construction of new sustainable trails to provide an interconnected system of trails within the Refuge that will also provide connections to adjacent trails where legal access is available. The trail system has been designed to be compatible with Refuge purposes. The Final CCP also includes recommendations for directional, regulatory, and interpretive signs to encourage appropriate use on the trails and discourage off-trail activities.

#### **I-8 – A refuge does not serve the same role as a county park**

- *While there can be a limited place for mountain bikers and equestrians, the Refuge cannot take over the role of county and municipal parks, which primarily serve recreational needs.*
- *We understand that there is a value in accommodating nature oriented recreation, but more intense recreational use is better suited to the missions and level of staffing of our region's many national monuments, state parks, and regional parks.*

We concur. Refer to Responses I-1, I-2, and I-3.2.

#### **I-9 – Minimize trail use on the Refuge**

- *The NWR is a critical link in San Diego's MSCP . . . Trails should be reduced and mountain bike use should be limited.*
- *It is vital to put in place a limited, consolidated designated trail system to serve the many recreational users, particularly hikers.*
- *Please restrict public access and allow the Refuge to recover from human encroachment.*
- *Equestrians and mountain bikers have cut many unauthorized trails in the Refuge that damage sensitive wildlife habitat. Experience in other preserve areas shows vandalism, fragmentation, and other activities detrimental to wildlife occur as a result of overly intensive recreational use.*
- *To protect habitat and species, only passive recreational uses should be allowed on the Refuge . . . [and] allowed only in designated areas and on a designated system of trails that avoids sensitive resources.*
- *There is also the probability that the unsupervised traffic on such a large amount of land will be detrimental to sensitive species . . .*
- *It is impossible to control mountain bikers and equestrians on the ground, to remove the temptations to go off designated trails, to harass wildlife, etc.*
- *I see the abuses by human users out here on a far too regular basis . . . wrong attitudes towards wildlife, complete disregard for the simple Refuge rules.*

The trail system included in the Final CCP was developed based on the results of on the ground site investigations and review of known locations of listed and sensitive species and important habitats (see Responses I-3.1 and I-3.2). Implementation of the trail system will involve the closure of some trails, creation of new trails, and the rehabilitation of others. To accomplish this will require partnerships with trail users. As part of this partnership we will seek assistance with trail patrols and general trail user education about the importance of the lands within the Refuge and the need to stay on the designated trails. Use on the Refuge will be monitored overtime. The intent is to protect sensitive resources and habitats, while also providing the public with the opportunity to enjoy and appreciate these conserved lands.



**I-10 – Balance conservation of resources with continued trail use**

- *write to you today to ask that your plans to change the San Diego NWR do not result in another one of these situations where people, most of whom genuinely care about the land and species' you are charged to protect, are shut out from being able to enjoy the lands and they have been enjoying for years.*
- *Our wildlife lands and wildlife need to be preserved. But we also need access to those wild places, and the ability to have those wild places shared by many types of users. Each time you give someone a positive, authentic "Off the Beaten Path" experience, not crowded onto the same well-trod path, you gain as an ally for life: a loyal voter in favor of land preserves and an impassioned advocate for wilderness areas.*
- *While I concede that some trails could contribute to erosion or be disruptive to wildlife, some of the more established ones should be made into official trails rather than face closure. Having more trails provides greater access to different parts of the refuge and greater variety in recreational activities. We need to keep land undeveloped and in the appropriate shape to ensure that habitat exists to continue to support the local wildlife and plant life. If certain trails impacted by human use endanger animals or plant life, then I understand and will support closures of these areas. I am just asking that blanket closures are not made which excessively limit continued use and enjoyment of these areas.*
- *I understand that the mission of the US Fish and Wildlife Service is to protect endangered habitat. Therefore, I can certainly understand that if a specific trail directly threatens an endangered species, then I understand the necessity to close that particular trail. However, since these trails provide exceptional recreational opportunities for the community, I am concerned with any blanket closing or severe reduction of trails in a particular region. I strongly believe that a solution exists which works for all stake holders.*
- *If specific trails directly endanger animals in the area, then I understand the need to close those trails. My concern stems from the consideration that all of the land in question may be designated as critical for the survival of a butterfly or a frog or some other animal that has been coexisting in this area for hundreds of years.*
- *A strong management plan is needed that foremost protects wildlife but also allows people to enjoy the Refuge in a compatible manner.*

The Final CCP includes a revised trail plan that takes into consider the input received at various public meetings, the observations made during extensive site investigations, and discussions with adjacent property owners, land managers, and utilities. The final trail plan includes a trail connection that will allow access from the Par 4 area to Sweetwater Summit Park, from Sweetwater Summit Park up Mother Miguel Mountain and back down onto the Sweetwater River Trail, and ultimately from Sweetwater Summit or Par 4 to Proctor Valley. Loop trails will be provided on the lower western slopes of San Miguel Mountain and in the McGinty Mountain area. A future trail system is also proposed for the south Las Montañas area; however, until access can be provided to this area from the public right-of-way, the area will remain closed. Currently, the only available access to this area is from a private road. We are also continuing to work with CDFW, the Sycuan Band of the Kumeyaay Nation, and the Kumeyaay-Diegueno Land Conservancy to identify a feasible access point onto McGinty Mountain from the east and/or the west.

**I-11 – Provide controlled public access with a limited trail network on the Refuge**

- *Controlled public access onto the Refuge is important to ensure continued appreciation and support for conservation of natural resource in the region. The CCP objectively evaluates the costs of public access, in terms of invasive species control, fire management, erosion, impacts to natural resources, and impacts to recreational and wilderness values.*
- *Public access to the NWR should be for passive activities, controlled, and limited as feasible to ensure protections provided by federal law to the species and habitat within the site. Trail access should be open only in areas considered ecologically stable. Areas under restoration or study need to be off limits pending stabilization or completion of observation.*
- *It is important that the public has controlled access to this open space so that there is continued appreciation and support for conservation of natural resources in the region. However, public users must be accountable and responsible for caring for public lands. Historically, the public has had uncontrolled access to the NWR.*
- *Controlled access must be more carefully placed and properly managed and patrolled. Users have created recreational trails through the Refuge without regard to placement, natural resources, and erosion control. Regional planning is needed to determine where trails should and should not go to protect natural resources.*
- *We have loved this open space resource to death. It is time for active, regional planning to determine where trails should be and where they shouldn't be, to protect natural resources.*
- *Only a limited and consolidated trail network with substantial off-limit conservation areas is compatible with management objectives, amenable to enforcement of regulations, and able to reduce the adverse biological impacts of trails and human intrusion to a manageable level.*
- *The Wildlife Refuge should be conserved for mother nature and not used for incompatible recreation activities such as helter-skelter riding bikes and horses which damage the area. A wildlife-smart and managed trail system would provide compatible recreation and access while serving the needs of open space conservation.*
- *Meeting the mission and purpose of the Refuge will necessitate that the informal trails that were created throughout the Refuge lands be revised and reduced, and a coherent, designated trail system be established to serve the many types of recreational users. Many of the existing informal trails are located in sensitive areas, are not designed to acceptable trail standards, and do not serve the needs of local and regional users.*

As described in Response I-3.1, the trail plan included in the Final CCP was developed following an analysis of specific site conditions, including presence/absence of sensitive habitat and species. The intent of the trail plan is to provide visitors with the opportunity to enjoy and appreciate the resources conserved within the Refuge, while also protecting these resources from adverse effects. New trails will be designed to ensure long term sustainability and improvements will be made to various existing trails to improve sustainability. Signage will be provided to direct the public along the designated routes, inform users of the rules and regulations, and provide information about the importance of the resources on the Refuge.

### **I-12 – Provide a maximized network of trails**

- *We suggest that the CCP include a maximized network of all reasonable, feasible trails that, if properly managed with necessary infrastructure and personnel, would ultimately be opened and maintained on the Refuge; but the individual elements of this trails' network would be opened gradually over time, only as the Service obtains the needed budget and staffing support to properly manage these elements without further degradation of the protected sensitive natural resources of the Refuge. This approach could allay the public's concerns about the future availability of hiking and riding trails with the promise of an eventual unmatched, world-class network, while perhaps engaging the public as an interested constituency that could help the Service acquire the needed budgetary support to responsibly establish and maintain such a network.*

The trail plan included in the Final CCP is considered the maximum feasible network of trails that can be provided on the Refuge. This trail plan ensures compatibility with Refuge purposes, while also providing the public with an interconnected system of trails that provides access both within the Refuge and to the adjacent connecting regional and community trail system. The final trail plan respects existing obligations for protecting habitat and species, conserves large blocks of undisturbed vegetation, much of which is designated as critical habitat for listed species, protects other listed and sensitive species and their habitats as envisioned by the San Diego MSCP, helps to maintain habitat for migratory birds and the biological diversity of native plants and animals in accordance with the Refuge's stated purposes and the mission of the National Wildlife Refuge System, and considers the need to protect cultural and important physical resources located on the Refuge. This trail system will be implemented over time based on funding, staffing, and the need to acquire legal access to adjacent areas.

### **I-13 – Design a designated trail system that ensures the protect sensitive resources**

- *To protect sensitive biological and cultural resources, passive recreational uses should be allowed only in designated areas and on a designated system of trails that avoids sensitive habitats.*
- *It is vital to put in place a limited, consolidated designated trail system to serve the many types of recreational uses, particularly hikers. All other trails should be closed and habitat restored to protect sensitive areas.*
- *The mountain biking community understands the goals of the refuge, the number one goal being the protection of the endangered species and habitat. We understand the refuge is not a park nor open space. We understand it is not the Service's responsibility to provide recreational trails. We also understand the major factor that will determine success for the refuge is trail user compliance. We have created a trail system alternative that eliminates approximately 70% of the existing trails in the Sweetwater/Bonita area of the refuge. Our proposal includes an offer to enter into a 15-year trail maintenance Memorandum of Understanding with the Service.*
- *I support the wildlife refuge's primary goal of preserving wildlife and wildlife habitat first. I understand that public use is part of the refuge directive, but should not compromise the health and sustainability of local and native wildlife species, especially species sensitive to human disturbance.*
- *I support restoration and protection of wildlife and ecosystems and understand the necessity to close some trails in order to control erosion.*

Refer to Responses I-2, I-3.1, I-3.2, I-10, and I-11.

**I-14 – Work with the existing trail user community**

- *The USFWS has an unwillingness to engage the local equestrian, biking, and hiking communities in developing alternatives that include a mutually beneficial trail network. These local groups were developing and using trails on these lands long before the San Diego NWR came into existence.*
- *Work with local representatives from the San Diego County Planning Groups and trail user groups to develop a complex, extensive yet environmentally sensitive trail system.*
- *A complete, extensive, and environmentally sensitive trail system can be created. Work together with different trail users to create a trail system that will be a lasting legacy for the San Diego area.*
- *The Refuge should meet with local Trails Councils to gain knowledge about historical trails and landmarks.*
- *The NWR's efforts to engage communities are good; however, it must be more than just engagement to have meaningful support by the public.*
- *Our request is that USFWS start over and work with LOCAL representatives from the San Diego County Planning Groups and each of the LOCAL Trail User Groups: Equestrian, Biking and Hiking to develop a complex, extensive yet environmentally sensitive trail system.*
- *The Sweetwater Authority requests to participate in the step-down trail planning process to create a sustainable trail system that assures the protection of drinking water resources.*
- *Work with the County to incorporate adopted community trails and pathways into the Refuge trail plan.*
- *The innate challenge of any management of public lands is to balance the federal legal mandate of protection with the rights of citizens to enjoy and recreate on property that belongs to them as American citizens. The primary complaint I hear from my constituents involved in land management issues is that, despite comment periods and public meetings, their voices are not heard and policies are predetermined. This is a very valid concern, but I believe we have an opportunity with this situation to create a new course. Public access to the NWR should be for passive activities, controlled, and limited as feasible to ensure protections provided by federal law to the species and habitat within the site. Trail access should be open only in areas considered ecologically stable. Areas under restoration or study need to be off limits pending stabilization or completion of observation.*
- *Trail system impacts that fail to consider impacts to the surrounding community and that are perceived by the public as draconian, run the risk of being universally ignored, especially by the less responsible trail users. Conversely, a reasonable trail system developed with public input and buy in, will result in public acceptance and better success in achieving the CCP goals for the Refuge. We strongly recommend working with the community to achieve consensus on a reasonable and responsible designated trail system.*

As described in Chapter 3 of the Final CCP, the trail proposals in the draft CCP/EA were revised based on input received during the public comment period, including input provided at four additional public meetings held in 2014 with interested members of the trail community. At those meetings, large maps were provided and participants were encouraged to indicate which trails they wanted to see incorporated into the Refuge trail plan. Participants were also encouraged to provide written comments regarding trail proposals for specific areas of the Refuge. Those written comments are addressed in Response I-23.

Based on information provided on the maps and in follow-up comments, Refuge staff conducted extensive site surveys of the Refuge (see Response I-3.1) to view the conditions of existing old roads, trails, and pathways, as well as areas where trails do not currently exist. We evaluated trail proposals based on long term sustainability, effects of erosion on native vegetation and downstream water ways, the extent of off-trail activities occurring adjacent to existing trails and pathways, occurrences of sensitive species and habitat, the potential for risk to listed and sensitive species and designated critical habitat, protection of cultural resources, consideration of adjacent property owners, redundancy of trails in a particular area, connectivity of trails to other trail systems, and the availability of legal access onto Refuge trails from adjacent properties. With this information, a trail plan has been prepared that is considered compatible with Refuge purposes, while also addressing trail users' desire for an internally connected system of trails with some trail loops and connections to other regional and community trail systems where legal access to these trail is available.

Refuge staff has also been working with the County and adjacent landowners to identify legal, sustainable access points onto the Refuge in the McGinty Mountain, Sweetwater River, and Mother Miguel Mountain areas of the Refuge. We are also working with the San Diego Mountain Biking Association and Bonita Bikers to restore a sustainable trail up Mother Miguel Mountain. With this assistance, impacts to sensitive habitat in this area can be reversed and as a result, this trail, which was not recommended for inclusion in the trail plan in the draft CCP, has been included in the trail plan for the Final CCP. The changes to the trail plan from the draft to the final CCP, including increasing trail locations and distances, are a direct result of these partnerships and the Service's consideration of the public's comments.

#### **I-15 – Legal Access onto the Refuge**

- *Legal access to the refuge is a recurring issue in the EA report and seems to be a major reason for some of the trail closures. We recommend greater importance be placed on using financial resources to purchase public access for the refuge.*

The funds used to purchase lands for incorporation into the San Diego NWR generally require that they be used to purchase lands for the conservation of habitat and listed and sensitive species. This Refuge receives limited, if any, funding to support land acquisition for other purposes. But beyond funding limitations, lands and access easements can only be acquired from willing sellers. With much of the lands within the Refuge surrounded by private property, the private property owners must be willing to provide an easement for public access. In the case of the Las Montañas area, the streets adjacent to Refuge lands are private, therefore, those property owners must agree to allow the public to access their private streets before access to the Refuge can be expanded in this area. The Refuge is continuing to work with several adjacent land managers to identify additional access points into the McGinty Mountain area, but once again, it is up to those land managers to grant access for the public to cross their lands.

#### **I-16 – Benefits of trails in reducing illegal uses**

- *Refuge use by hikers and trail-riders help protect the area from impacts related to illegal dumping, off road vehicle use, shooting, and illegal encampments.*

We concur and look forward to working with trail users to ensure that activities occurring on the Refuge's trail system continue to be compatible with Refuge purposes.

#### **I-17 – Benefits of good trail design to a functional trail system**

- *Providing a better functioning trail system may help support the closing of duplicative and dead end trails that can be decommissioned while retaining an enjoyable and functional public trail system.*

We concur. The trail system presented in the Final CCP is focused on providing a connected system of sustainable trails throughout much of the Refuge.

#### **I-18 – Consider the development of loop trails**

- *All alternatives propose pass-through trail only. No loop opportunities are provided.*
- *I recommend loops, long and short. This will provide options for those who wish to take a short hike/ride and for those who wish to go longer, have options for that.*

The trail plan presented in the Final CCP includes a combination of long distance trails that connect to the regional trail system and a number of loop trails.

#### **I-19 – Provide trail signage to direct trail use and inform trail users**

- *It seems obvious that consolidated trail use with proper signage be planned for and implemented so that everyone understands the priority of a wildlife refuge is to protect wildlife.*
- *No signs means no rules to some people, signage at major trailheads is important.*
- *To ensure that people know where they can and cannot go, signage should be provided at all trailheads and trail intersections.*
- *Provide an obvious trail system with signage and way finding so we know where we can go and where we can't; and let users know why staying on the trail is important.*
- *Education is needed, let us know where you want us and that it's a problem for the earth when we deviate from that plan.*

We concur. Trail signage and appropriate interpretation of sensitive trail use is an essential component of a manageable trail system. A strategy has been added to Objective 4.7 in the Final CCP to address the installation of trail signage, and additional discussion has been included in Chapter 3 of the Final CCP under Trail Wayfinding.

#### **I-20 – When closing trails remind the public why the land was purchased**

- *This area was set aside for a WILDLIFE REFUGE NOT RECREATION! Many feel this is "their" land and should be able to do what they want. In the case of Hidden Valley, this would have been hundreds of homes and no one would be recreating here.*

We have addressed Refuge purposes throughout the planning process and will continue to provide Refuge visitors with information about the importance to regional conservation efforts of the habitats and species present on the Refuge.

### **I-21 – Estimated trail use numbers in the draft CCP are not accurate**

- *Chapter 2, page 2-8, of the CCP includes a statement, “Unquantified amount of visitation estimated at 22,000/year.” The Bonita area of the refuge has numerous neighborhoods that are adjacent to the Refuge. SD MBA and the Bonita Bikers cannot offer an estimate of refuge visitors . . . we suggest the 22,000/year visitor estimate be removed from the CCP. The estimate is very low and does not reflect the actual refuge visitation rate.*

We concur that this estimate is very low. As a result, the discussion of visitation to the Refuge has been revised in the Final CCP. Rather than include an actual number of users, we have indicated varying levels of use in the different portions of the Refuge. In addition, a strategy has been added under Objective 4.7 that addresses the need to more accurately estimate total visitation and visitation patterns within the Refuge.

### **I-22 – Provide trail parking areas**

- *Creation of parking areas on McGinty Mountain and Las Montañas is proposed in Alternative C under hunting. Can these parking areas be considered for multi-use trails instead?*

Under the selected action, as described in the Final CCP, in addition to the existing trail parking area on Jamul Drive, parking/trail staging areas are proposed for an area located to the west of Millar Ranch Road and south of SR 94 and for an area off of Proctor Valley Road (see Figures 3-2 and 3-3 of the Final CCP). Approvals from Caltrans or surrounding property owners will be required before a parking area can be provided to serve the south Las Montañas area. Finally, discussions are ongoing with adjacent land managers to identify legal trail access routes onto the north McGinty Mountain area from the west and/or east of the Refuge; however, we are no longer proposing parking and access to the Refuge near Model A Ford Lane.

### **I-23 – Requests for trails in specific areas**

#### **I-23.1 McGinty Mountain**

- *The EA fails to adequately assess the impacts on the Crest/Dehesa/Granite Hills/Harbison Canyon community that borders and uses the Refuge area.*

The draft CCP/EA included trails and an access point onto McGinty Mountain, which is the only portion of the Refuge accessible from this community. We can only provide access onto the Refuge from the public right-of-way or through approved trail easement agreements with adjacent property owners. The draft CCP/EA also acknowledged the County’s desire to connect the Sweetwater River Trail to the California Riding and Hiking Trail, and proposed a potential link. That is all we could provide based on the current landownership patterns in the area.

Since the draft CCP/EA was released for public review, we have met on numerous occasions with the County of San Diego and other landowners in an effort to identify legal access onto the Refuge from areas north, east, and/or west of McGinty Mountain. We are no longer proposing access to the Refuge near Model A Ford Lane, but are working with other landowners to find a safer location for staging and access onto the Refuge.

- *As an avid hiker, I am concerned that trail access especially on McGinty Mt., may be reduced or closed.*
- *Consider incorporating loop trails within the McGinty Mountain area, as they are consistent with the desire of trail users and help prevent the future development of unauthorized trails.*
- *Include an existing single track trail in the McGinty Mountain section . . . without the inclusion of this one trail, mountain bikers will be denied access to McGinty Mountain.*
- *On the west side of McGinty there are old roads and trails that are eroding and deteriorating. We most favor support of the option B trail routes detailed on the option B map that excludes the use of Mountain Biking.*
- *Should the FWS decide to accommodate mountain biking here [on the west side of McGinty], a 2nd alternative, should be limited to a route that was suggested by Mountain Bikers at the local meetings, approximating the one on option B, but restricted more or less south of the one square inholding pictured in the center of the map.*
- *To minimize impacts to the McGinty Mountain area, minimize or restrict bike activity in the area.*

The trail plan in the Final CCP includes several future nonmotorized multiple use loop trails on McGinty Mountain that can be accessed from the Jamul Drive parking lot. Unfortunately, access to McGinty Mountain from Farraday Ridge Road is not available for trail use at this time. The property owner who controls the easement will only allow Refuge access for maintenance and management. As a result, trail planning for the southwest portion of McGinty Mountain will occur when one or more new legal access points are identified. Refuge staff is actively working with adjacent land managers to the west and northeast in an effort to identify appropriate access points for one or more multiple use trail connections between the Refuge and the County's Sweetwater River Regional Trail. We are not proposing to eliminate access to specific trail users; we will rely on the various trail user groups and volunteer trail patrol, along with Refuge law enforcement, to ensure that users are staying on the designated trails. If compliance cannot be achieved, reevaluation of our finding of compatibility will be required and some trail closures may be necessary.

- *The County would appreciate the opportunity to discuss connecting the Sweetwater River and Loop Trail through the California Department of Fish and Wildlife parcels off Willow Glen Drive and onto the Refuge.*

The Service has initiated discussions with CDFW about potential access to McGinty Mountain through the Department's ecological preserve lands to the west along Willow Glen Drive, and potential trail routes are being explored. These discussions can be expanded to include representatives from the County.

- *The map of the McGinty Mountain area does not show the route of the Sweetwater River Trail and its proposed connection to the Refuge.*

The County's regional trail is only shown on Refuge maps when it is located on Refuge lands or connects to the Refuge via a legal access route. We do understand the importance of connecting Refuge trails to County trails and have been working with adjacent land managers in an effort to find an appropriate connection to the County's regional trail in the McGinty Mountain area.



- *We ask USFW to close off the user created trails immediately to the west of our parcels. In looking at the satellite maps provided in the report as well as Google maps, a portion of what appears to be an old fire break crosses over a portion of our western most parcel traversing from USFW land to USFW land. We ask under the adoption of any of the alternatives, or any combination of alternatives, that USFW close off the portion of the old fire break road and divert its trail users away from our land.*

The trail plan included in the Final CCP would close access to the existing dirt road that extends to the east of the Refuge from a larger access road that parallels but is separated from the boundary between the Refuge and adjacent private lands. A new internal southern trail connection would be created further to the west of the Refuge boundary in a manner that provides both visual and physical separation from adjacent private lands. Based on the final design of the new connecting trail, fencing may be installed along portions of the trail if there appears to be the potential for off-trail activity.

- *McGinty is a biologically mature and complex diverse ecosystem with few impacts . . . We most favor support of the trail routes detailed on the option B map that excludes the use of mountain biking . . . we cannot support bicycles and horses to the north of the area approximately 250 yards north of the boundary of the inholding . . . or where there occurs a number of sharply rising switch backs up to the main central ridge of McGinty.*

We appreciate the extensive review of trail proposals that have been provided during the public comment period. These and other proposals have been taken into consideration by Refuge staff and evaluated during onsite reconnaissance to evaluate existing and future trail use on the Refuge. Based on all the information available, including onsite evaluations, we developed the designated trail plan for the Refuge that is included in the Final CCP. Because of current access restrictions in the McGinty Mountain area, some routes cannot be defined at this time and will require additional analysis once legal access onto the northern and western portions of this area is acquired. Trails in this area will be designated for nonmotorized multiple use, and we will rely on all these users to assist in trail maintenance programs sponsored by the Refuge.

### **I-23.2 Sweetwater River area**

- *Although the County Trail Plan indicates a Sweetwater Loop and River Trail, the Sweetwater Reservoir South Trail is the only official trail on Sweetwater Reservoir lands. The Authority and County are working toward a potential agreement on the proposed loop trail in and around Authority property, but no agreement is currently in place.*
- *Alternative A does not include the route of the Sweetwater River and Loop Trail and its proposed connection to the Refuge.*

All references to the Sweetwater Loop Trail have been removed from the CCP as it does not affect Refuge lands. The CCP only addressed the County's Sweetwater River Regional Trail that provides access through the Refuge, connecting Sweetwater Summit Park to SR 94.

- *The Sweetwater River area is a very popular multi-use trail area. Many of the proposed trails on the adopted Valle De Oro Trails and Pathways Plan will be closed by Alternative B, C and D. The County recommends reviewing the Sweetwater River Area again to incorporate additional loop trail opportunities for both sides of SR-94. For example, providing a trail from SR-94 on the east side of Steele Canyon High School, around the school to connect with the proposed trail would be a benefit to the students.*

The designated trail plan included in the Final CCP shows the alignment of the Sweetwater River Regional Trail that traverses through the Refuge. The northern portion of the loop trail that is proposed to extend around the Sweetwater Reservoir is not located on the Refuge; therefore, it is not included on the Refuge trail map. The designated trail plan does include several proposals for loop trails that will connect with the County's Sweetwater River Regional Trail on the south side of SR 94, as well as a trail that will connect the Proctor Valley area with the Sweetwater River area. Several loop trails are also proposed in the Par 4 area, but these trails will not provide a direct connection to the County's Sweetwater River Regional Trail where it occurs to the west of the Sweetwater River, due to the presence of sensitive riparian habitat and federally listed endangered species. As suggested, a trail is proposed for the area east of Steele Canyon High School that provides trail access to the Par 4 area, as well as to an existing County trail that extends east from the Refuge to Steele Canyon Road.

- *I'm writing to express my concerns over the possible loss of use of the Sweetwater River Trail system. These trails are an important resource for the residents in the area. I've used these trails for many years and regularly run or walk the entire length from the steel bridge on Campo Road to Sweetwater Park on the other side of the reservoir.*

All of the alternatives in the draft CCP included the continued use of the existing Sweetwater River Regional Trail that connects SR 94 to Sweetwater Summit Park, and this trail is included in the trail plan presented in the Final CCP.

- *Consider retaining an existing trail in the Sweetwater River area that would provide a trail connection to the County's dedicated trail easement on Lakeview Highland Ranch HOA land, a critical trail connection for the Sweetwater River and Loop Trail.*

The trail plan included in the Final CCP indicates that a future connection will be provided. The specific alignment is yet to be determined.

- *Please review the potential for connecting a bike path continuing from . . . San Miguel that could circumnavigate the San Miguel Mountain on the perimeter.*

The trail plan included in the Final CCP indicates two future trail connections that will provide access from the lower slopes of San Miguel Mountain into the Sweetwater River area (refer to Figure 3-9 in the Final CCP).

### **I-23.3 Las Montañas Area**

- *The County has a dedicated trail easement on parcels adjacent to SDNWR to the north on the south side of Jamul Drive, which provides connections to the McGinty Mountain area to the north via Fowler Canyon Road and Farraday Ridge Road.*

The trail plan in the Final CCP includes a connection between the two County trail easements on either side of the Refuge in the vicinity of Jamul Drive. This connection will provide access to Fowler Canyon Road, the Jamacha Hills area, and proposed connections to the existing trail easements to the south of McGinty Mountain. It should be noted that although it would also provide access to Farraday Ridge Road, the existing easement ends at the terminus of Farraday Ridge Road and the remaining route is not currently open to public access. The Refuge has access through that area by the underlying landowner for Refuge maintenance and management activities. Public access is prohibited.

- *A trail [through the northern portion of Las Montañas] is needed to connect trails in the north with to SR-94 . . . the proposed parking area and loop trail to the south and a connection to the San Miguel Mountain area.*

The northern portion of the Las Montañas area is designated as critical habitat for the California gnatcatcher and the ridge top in that area provides essential habitat for the endangered Quino checkerspot butterfly. As a result, the majority of this area will be closed to public access. Any trail use along the ridge line would extend through Quino checkerspot butterfly habitat, representing a significant adverse effect to this listed species.

The extension of a trail through this area south to SR-94 would also result in potentially significant impacts related to public safety and traffic circulation. There is currently no controlled access across SR 94 in this area. An evaluation of adequate site distances and traffic speeds in this area would be required prior to making any proposals for a trail crossing of SR 94 in this location. There is undeveloped land to the west of the Refuge that could possibly provide an alternative access to the south from Jamul Drive. This route could connect to Rancho Miguel Road, which already provides legal access onto SR-94.

Providing access through Las Montañas south to Hidden Valley is not proposed at this time because there are intervening properties for which we do not have legal access to cross. Once again, if access issues can be addressed, we can revisit the current trail plan in the future. It should also be noted that access to the southern portion of Las Montañas will be not be available until funding is identified for site design, NEPA compliance, and construction of the proposed staging area, and an encroachment permit is approved by Caltrans for access onto SR-94. The area to the east includes existing private roads that are not available for use by the public.

- *Retain trails off of Vista Sage Road.*

Vista Sage Road is a privately maintained road therefore public access to this area is prohibited. We cannot provide a trail on Refuge land that leads the public onto private properties or private roads. If legal public access onto the Refuge from Vista Sage Road can be obtained, changes can be made to the current trail plan.

- *The riparian areas in the Las Montañas section should be protected . . . we support only one loop trail for access to limited impact in this area to help recovery. We support FWS goal to close . . . [the northern Las Montañas parcel] to protect habitat for the endangered Quino checkerspot butterfly.*

Comment noted.

#### **I-23.4 Par 4 area**

- *Consider a future trail connection to Willow Glen on the west side of the golf course to an existing County trail easement that would allow the regional trail to be moved off Willow Glenn Road with a possible connection through McGinty Mountain to connect with the California Riding and Hiking Trail.*

The extension of a trail from Par 4 to Willow Glen Drive on Refuge property would require crossing the Sweetwater River and extending a trail through areas designated as critical habitat for the endangered least Bell's vireo and endangered San Diego ambrosia. Therefore, this trail connection is not proposed at this location. Potential access onto the Refuge from Willow Glen

Drive further to the north via land managed by CDFW is currently being explored as addressed in Response I-23.1.

- *Your team also placed closure signs at the site of the dam near Par 4 and on the trail that runs downhill from an existing trail that we've used the last 20 years (I was using it before I even started boarding my horses at BVF) that the San Diego Mountain Bikers blocked with branches and sticks from a trail they were creating, which never came to life.*
- *As far as the trails that extend out from BVF to Par Four and the Sweetwater Loop, we ask that you leave things just the way they are.*

The presence of listed species in the Par 4 area necessitates that some areas be closed to public access. Several loop trails have been included within this portion of the Refuge, and a connection to another County maintained trail to the east has been added. Trail improvements will also be implemented in some areas to address trail tread sustainability.

#### **I-23.5 Lot 707**

- *The single parcel to the north of Wieghorst Way includes a pedestrian and equestrian trail easement; therefore, this trail should be shown in all alternatives.*
- *Against opening area for public use the small area to the north of the Sweetwater River area in a residential area. I have personally witnessed multiple occasions this area where youth would recreate in this area and result in sheriff calls and intervention via helicopter to address the situation and remove the activity. Recently this area has been fenced off to deter such activity. Positive results have been noticed with less personnel activity since area has been fenced off.*

Lot 707, the single parcel to the north of Wieghorst Way, does include a County open space easement, therefore, the trail plan in the Final CCP includes a proposal to construct a multiple use trail within the parcel. Public use would be limited to use of the designated trail from sunrise to sunset.

#### **I-23.6 Hidden Valley area**

- *Out and back trails such as shown in the Hidden Valley area are difficult to manage and may encourage the creation of unauthorized trails. This trail should connect to the Las Montañas area and/or to the Sweetwater River and Loop Trail.*
- *Consider including a trail that would connect Millar Ranch Road to the Proctor Valley Road area.*

The Final CCP includes a proposal to construct a sustainable trail connection between the trails in Hidden Valley and the Sweetwater River Trail.

#### **I-23.7 San Miguel Mountain area**

- *The County appreciates that all alternatives address the need for a long-term solution to accessing the Refuge and Sweetwater River and Loop Trail that avoids impacts to vernal pool habitat.*

The Service continues to work with the County of San Diego and the Sweetwater Authority to identify a revised alignment for the regional trail in the vicinity of SR 125 and San Miguel Road to

avoid continued impacts to sensitive vernal pool habitat and the listed species supported in those pools. A portion of the realigned regional trail would extend through the Refuge. We are awaiting final agreements to be worked out by the County for a section of the realigned trail that is proposed to extend through land owned by San Diego Gas and Electric.

- *The single trail in the north-easterly section, off Proctor Valley Road, does not make any connection either to the north to Las Montañas Area or to the west for connection to the Sweetwater River Trail. Based on the Department of Parks and Recreation experience, out and back (dead-end) trails are difficult to manage and may encourage volunteer created connections or loops. The County recommends that this area should be reviewed for connectivity.*

The trail plan included in the Final CCP proposes the development of a trail that would connect the Sweetwater River Trail to the trail located in the Hidden Valley area, providing a connection between Proctor Valley and the Sweetwater River area. No connection from Hidden Valley to Las Montañas is proposed at this time, because potential connection points are not currently included within the Refuge and would require agreements from the existing private property owners. If this situation changes in the future, further consideration will be given to providing a connecting trail in this area.

- *The southern-most trail, as shown as Alternative A, connects to a loop trail near the San Diego Gas & Electric (SDGE) facility and provides trail connection to the south to San Miguel Ranch. This loop trail is not shown but is included on the County's Consent to Use Land Agreement with SDGE. This loop needs be included in Alternative C, which as stated above is the most consistent with existing trail plans. Additionally, the southern-most trail curves to the north-east and stops where it should have connectivity.*

The trail plan provided in the Final CCP shows the existing and proposed trail plan for the area at the southeastern edge of the Otay-Sweetwater Unit. The portions of the trail located off of the Refuge are shown as proposed on SDG&E land and potential on existing private land because agreements and/or acquisition is required before a trail can be established on these lands.

- *There is little to no access for the public on the eastern side of San Miguel Mountain, this and the need for parking should be addressed.*

The steep slopes of San Miguel Mountain provide significant habitat for a nesting pair of golden eagles, an MSCP-covered species that would be adversely affected by human disturbance. In addition, this area is extremely steep with highly erosive soils and the presence of several private parcels affects the ability to legally access parts of the mountain. As a result, no access to the steep slopes of San Miguel Mountain is proposed and existing unauthorized access has been closed. There are proposals for trail access and a trail staging area in the Hidden Valley/Proctor Valley area off of Proctor Valley Road to the northeast of San Miguel Mountain.

- *There are a number of user created trails. Most of them need to be decommissioned due to their collective detriment to the first priority standards of this refuge. . . we propose to include two additions on the San Miguel/Sweetwater sections . . . "the Rock House trail" to the summit of Mother Miguel . . . the second suggestion is to connect a single trail that travels the entire perimeter of San Miguel.*

Trail access to the summit Mother Miguel Mountain is proposed in the Final CCP and a connection from the peak back to the Sweetwater River area will be developed when funding is identified and

required NEPA analysis has been completed. A trail that traverses around the steep slopes of San Miguel Mountain is not proposed due to the extremely steep topography, the presence of private parcels on the mountain, and the need to protect habitat for golden eagles and other listed and MSCP-covered species.

#### **I-23.8 Bonita area**

- *All four Trail Plan Alternatives in the Bonita area of the refuge propose trail corridors that are actually existing SDG&E service roads. These roads were constructed without regard for sustainability or quality visitor enjoyment. These existing roads are the main reason for the majority of unauthorized trails in the area. When quality trail user experiences are not met, trail users will create their own way.*
- *Include approximately seven miles of existing single track trail in the Bonita section of the refuge.*

The trail plan in the Final CCP includes a combination of existing trails and several new connecting trails for this area. Some existing trails will be closed as they extend through sensitive habitat areas or are highly eroded and unsustainable.

- *Trail system planners identify areas/places that trail users want to go (Positive Control Points) and where land managers do not want visitors to visit (Negative Control Points). The top of Mother Miguel is currently visited by hundreds of visitors per week. SD MBA understands a segment of existing trail that takes visitors to Mother Miguel crosses endangered habitat, specifically quality Quino checkerspot butterfly habitat. Failure to provide a trail to the most popular site in the Bonita area of the Refuge that minimizes impacts to Quino checkerspot butterfly will result in visitors continuing to access the top of Mother Miguel using the existing habitat-threatening trail or creating more unauthorized trails.*

The trail plan for this area of the Refuge has been revised to include a combination of trails: some existing, a few that will need to be constructed, and others that will include portions of existing SDG&E access roads. In addition, we agree that rather than try to close access to Mother Miguel Mountain area, it would be more manageable to provide a sustainable trail to the top of the mountain that avoids sensitive habitat areas and eliminates ongoing loss of habitat from current use patterns.

#### **I-23.9 Otay Ranch Preserve**

- *Preserve lands currently managed by the City of Chula Vista could be affected by the CCP including conservation areas associated with the Otay Ranch Preserve, located east of Otay Lakes, within the unincorporated areas of the County of San Diego.*
- *The Otay Ranch Preserve is jointly managed by the City of Chula Vista and the County of San Diego, which both serve as the Preserve Owner/Manager (POM). The POM is dedicated to acquiring Preserve lands and protecting its resources while also balancing the City's and County's commitment to provide planned public access through the Otay Ranch Preserve.*

The purpose of the CCP is to provide management direction for the existing lands within the Refuge. Decisions regarding where and to what extent compatible uses will be provided within those portions of the Otay Ranch Preserve scheduled for incorporation into the Refuge can be made at any time and incorporated into the Refuge planning document as a CCP amendment in

accordance with all applicable policies and regulations. It should also be noted that Refuge staff is participating in ongoing discussion related to trail planning in this area.

#### **I-23.10 Echo Valley**

- *Trailhead access off of Echo Valley Road was shut down due to false complaints of motorcycle and off-road disturbances. The aforementioned trailhead had an existing gate with side horse gate for equestrian, bikers, and hikers to utilize trails while preventing access to vehicle and motorcycle users. Due to this recently added locked gate and fence, residents are required to travel onto Proctor Valley Road (a public road) to enter Refuge lands increasing the risk of danger while creating a safety issue for equestrians, bikers, and hikers. For this reason alone, trailhead access should be reestablished on Echo Valley Road for the safety of its residents and passing motorists.*

This trailhead was reopened shortly after the end of the public comment period for the draft CCP. At the time of the closure, the status of Echo Valley Road as a public road was uncertain. On October 2, 2014, the County of San Diego provided written verification that Echo Valley Road was in fact a public road (although not included within the County's Maintained Road System), and as a result, by October 9, 2014, trail access onto the Refuge from the west end of Echo Valley Road was reestablished and a trail step gate was installed.

#### **I-23.11 Otay Mesa and Lakes area**

- *If hiking were allowed [in the southern parcel], this area would afford a spectacular view of [Otay] Mountain. If hunting is to occur [here], there will be safety issues to address.*

The selected action proposes that this area only be opened to hunting. Safety issues are not anticipated as the abutting parcels are already opened to hunting.

- *The California Riding and Hiking Trail is along Otay Lakes Road in this area. To improve user safety, it would be preferable to reroute the trail for a safer alignment. A future reroute may look at utilizing the SDNWR. The County and California State Parks would like to be able to keep that option open. Hunting is currently the only recreation proposed for the area.*

The Final CCP does not propose to open the Otay Mesa and Lakes area to general public access, and only the southern portion of the southernmost parcel would be opened for hunting. This parcel has no access from Otay Lakes Road and the primary ridge on the site will be closed to all uses as it supports habitat for the federally endangered Quino checkerspot butterfly.

#### **I-24 – Support for multiple use trails**

- *To be consistent with the adopted County Community Trails Master Plan, the County recommends providing multiple use trails wherever feasible without being inconsistent with the MSCP.*
- *Due to the popularity of mountain biking and equestrian use in and around Refuge lands, restricting the public trails to only hiking, as proposed in some alternatives, will be problematic for enforcement and not very popular with the public.*
- *Equestrian trails are not appropriately addressed.*

With the exception of a possible future birding trail in the south Las Montañas area, all of the trails proposed in the Final CCP are nonmotorized multiple use trails that will accommodate pedestrian, equestrian, and mountain bike use.

#### **I-25 – Trail user group concerns**

- *Hikers and equestrians share trail very well, so add a single track for bike riders next to various trails in areas that can support it, the mountain bike riders do not have to break or dodge hikers or equestrians.*
- *I personally feel that multiple-use trails should be restricted to hikers and equestrians. Again, there are plenty of places in San Diego for mountain bikers to burn through the dirt, and since mountain bikers are famous for not respecting signage on trails, allowing them on the Refuge at all means gradual but inevitable destruction to all the trails and all habitats.*
- *Because it is my experience that most people who use USFW land (and Sloane Canyon in general) see it as a recreational location, not as a wildlife refuge, I must ask that mountain bikers be prohibited from any trail system in the refuge. I find the option of allowing mountain bikers on the refuge as an invitation to go off trail.*
- *As horses and mountain bikers degrade the visitor experience for pedestrians, and have greater biological impacts than pedestrians, there should be a relatively greater amount of pedestrian-only trails.*
- *You need some trails that will be horse only, for those of us that ride horses that don't tolerate bicycles very well.*

With the exception of a possible future birding trail in the Las Montañas area, all trails on the Refuge will be designated for multiple use. It may however be necessary to make one or two trails one way trails for mountain bikes in areas where trail user numbers are exceptionally high. With assistance from a volunteer patrol, we will monitor trail use and potential user conflicts. If such a situation arises, we can revisit trail use in the future.

- *We are a large equine community needing many, many, many miles of trails for wildlife observation and training for the Tevis Cup, which is a world-famous, 100 mile, one day trail race, which takes place annually on the Western States Trail in Placer County, California.*

The Refuge was not set aside to provide trails for training horses; this type of use is better suited for lands set aside specifically for recreational use. That being said, the trails on the Refuge are almost exclusively multiple use trails allowing equestrian use along with hikers and mountain bikers.

#### **I-26 – The relationship between access and stewardship**

- *In order for people to respect the protection of natural areas, they need the opportunity to experience these areas.*
- *It is important that the public has controlled access to this open space so that there is continued appreciation and support for conservation of natural resources in the region. However, public users must be accountable and responsible for caring for public lands. Historically, the public has had uncontrolled access to the NWR. This CCP objectively evaluates the costs of this public access, in terms of invasive species control, fire management, erosion, impacts to natural resources, and impacts to recreation and wilderness values.*



We concur and have put together a trail plan that achieves our objectives of protecting sensitive biological and cultural resources, while also providing visitors with multiple opportunities to experience many landscapes and views available on the Refuge.

#### **I-27 – Needs for trail maintenance**

- *All trails require periodic maintenance. Trail systems that are not capable to handle the amount of current and future visitation use will require maintenance that is more frequent. If maintenance is not performed in a timely manner, damage to the habitat will occur though natural and user created disturbances.*

The level of maintenance will depend on our ability to improve overall trail sustainability. Limited budgets and staff will necessarily require assistance from dedicated trail maintenance volunteers. The trail plan includes the need to reconstruct new segments of sustainable trail for designated trails that are highly eroded. The goal is to achieve a trail system that will improve the user experience and protect adjacent habitat areas.

#### **I-28 – Trail maintenance and trail patrol volunteers**

- *Developing a program of trail and volunteer stewards who can assist in basic trail maintenance would assist the Refuge in reducing impacts to areas adjacent to the trails.*
- *I am a horse owner and board at Bright Valley Farms. We all love our trails and work to keep clean and safe among each other. My hope is that all trails will remain open for us to use and share. And if that means volunteering to help clean and clear, I am more than happy to do that. Anything to keep our access to our trails.*
- *I understand that the mission of the US Fish and Wildlife Service is to protect endangered habitat. Therefore, I can certainly understand that if a specific trail directly threatens an endangered species, then I understand the necessity to close that particular trail. However, since these trails provide exceptional recreational opportunities for the community, I am concerned with any blanket closing or severe reduction of trails in a particular region. I strongly believe that a solution exists which works for all stake holders. One such possible program is the Adopt a Trail Program in Riverside and San Bernardino counties. Furthermore, I am certain that with partnerships with the International Mountain Biking Association, trails can be appropriately maintained and questions answered to the satisfaction of US Fish and Wildlife Service. I am a member of a conscientious group of local bikers who are also able and willing to assist in any trail maintenance program.*

We concur and look forward to continuing to work with volunteers on completing the approved trail system, as well as on restoring areas impacted by unsustainable trails.

#### **I-29 – Enforcement of trail use regulations**

- *No new areas should be opened to the public because the currently open areas cannot be adequately enforced.*

By providing a designated, signed system of trails on the Refuge, we believe compliance will increase as users better understand where they can and cannot travel within the Refuge. We will also continue to expand our current trail patrol. With people out on the trail who can report back

on activities that could represent a problem, we can better inform our Refuge Wildlife Officers of areas where added surveillance may be warranted.

### **I-30 – Adequate staffing to support trail management**

- *Alternative A, you repeatedly refer to significant amount of staff time - that's why they are hired.*

A National Wildlife Refuge is not a regional park; it is set up to achieve the purposes for which the lands within the Refuge were acquired. In this case, the lands were acquired to provide the Federal government's contribution to the San Diego Multiple Species Conservation Program, a program that allows economic development to occur throughout various parts of the County by providing a mechanism for preserving important habitats and species lost to development within conserved areas within the County. The San Diego NWR is one of those conserved areas. The Refuge currently has two staff members, a Refuge Manager and a Refuge Wildlife Biologist, and one unfilled position. It is not possible for three people to achieve all of the work required to maintain the approximately 11,500 acres within the Refuge, no matter how hard they work. To achieve our conservation goals and maintain a sustainable trail system that protects sensitive habitat will require a partnership with the community. A partnership in which volunteers will assist in sustainable trail construction and trail maintenance and visitors will adhere to Refuge regulations by staying on the designated trail system and keeping all dogs leashed.

### **I-31 – Address trail impacts to habitat through partnerships**

- *San Diego Mountain Biking Association desires to partner with the California Native Plant Society to create reroutes of existing trails to avoid sensitive habitat and work together to actively restore habitat after approved trails are open to the public.*

As described in several previous responses, meeting all the goals and objectives we have set out for this Refuge will require a variety of partnerships and we welcome participation by a variety of organizations with varied interests.

### **I-32 – Impacts of trail use on adjacent property owners**

- *We are also concerned with the likelihood of hikers, horseback riders, motorcycle riders, etc. trespassing onto our property from your area if and when it is opened to the public. That possibility seems to demand that you provide fencing along your property lines that abut private property.*

In developing the trail plan for the Final CCP, we took into consideration the proximity of trails to adjacent properties and, in the McGinty Mountain area, we selected trail alignments that avoid visual access into adjacent residential areas and direct users away from private property. Refuge boundary markers will be posted along with signage instructing users to stay on the designated trail. Monitoring of trail user activity in the McGinty Mountain area will be conducted by trail patrol members and Refuge staff. If there is evidence of off-trail activity, additional measures, such as fencing, will be considered.

### **I-33 – Impacts of equestrian activities on water quality**

- *The Authority strongly disagrees with the draft EA's conclusion that ongoing equestrian use on Refuge trails is not expected to result in significant impacts to water quality. The Authority has informed the County that prevention of contamination to the water supply is paramount to the Authority in considering future equine uses. Once pathogens, or other public health threats that may originate from activities on Refuge trails are detected in Sweetwater Reservoir, it may be too late to mitigate the threat to the drinking water supply.*
- *In compliance with California Department of Public Health standards, the Authority recommends realignment of existing trails located within a 200-foot buffer of Sweetwater Reservoir.*
- *The Authority recommends mandatory manure clean-up on the Refuge, to be performed on a weekly basis at a minimum. More frequent maintenance may be required as necessary*

The conclusions in the draft CCP/EA are based on information in the literature regarding the effects of trail horses on water quality. In addition, BMPs established by the Santa Ana and San Diego Regional Water Quality Control Boards would be implemented as applicable to minimize the potential for impacts for equestrian use on Refuge trails to adjacent waterways. None of the Refuge trail alignments in the Final CCP would be located within 200 feet of Sweetwater Reservoir and the only proposed trail crossing of the Sweetwater River within the Refuge is via a bridge that spans across the river and adjacent river banks.

The County would continue to be responsible for the use and maintenance of the Sweetwater River Trail, portions of which extend onto Sweetwater Authority property. We continue to work with the County and the Sweetwater Authority to find a new route for the regional trail that currently extends through vernal pool habitat. The realignment suggested in the Refuge's trail plan would relocate a portion of this trail well away from the reservoir. The trail plan also proposes to relocate the highly eroded portion of the County's trail that occurs to the south of the shade structure known as the "tiki hut" onto Refuge land and further away from Reservoir.

Finally, as indicated in the draft CCP/EA, Refuge staff will work with equestrians to develop a volunteer manure cleanup program focusing on trails within the Sweetwater Reservoir watershed.

### **I-34 – Economic effects of limiting trail use on the refuge**

- *Limiting the trails to a total of 20 miles and closing a large portion of the Refuge to the public is detrimental to local citizens and nearby horse boarding facilities.*
- *Dehesa is home to several boarding facilities and Dehesa Road is on the San Diego County Bicycle Map, we have many hikers as well. Limiting the trails to a total of 20-25 miles and closing a large portion of the Refuge to the public is detrimental to the public use and local citizens.*
- *There would be an adverse impact on small businesses (e.g., horse boarding facilities) in the area by severing the trail systems.*
- *Trail closures would result in loss of scores, training, boarding and veterinary businesses, as well as horses being abandoned and neglected.*
- *Owners who have horses contribute more to the economic viability in terms of revenue and opportunities for the self-employed of this region than other consumers. Feed store. Tack stores. Farrier services. Veterinarian services.*

The trail plan in the Final CCP includes a network of multiple use trails that will be open to equestrian uses, including a proposal for a new trail that will connect Proctor Valley through Hidden Valley to the Sweetwater River Trail, as well as a connection from the Par 4 area to an existing County trail that extends east towards Steele Canyon Road. As described previously, we are currently working with adjacent landowners to identify a potential access point that would provide access to McGinty Mountain from Sloane Canyon Road. As proposed, this trail plan provides opportunities for trail use that will accommodate the equestrian community. No adverse effects to the surrounding business community from the implementation of this trail plan area anticipated.

### **I-35 – Impacts to the community of limiting trail use**

- *If these trails close, many people will be forced to walk on the busy streets and highways surrounding the area and at least 1 person was killed on highway 94 and it is progressively getting busier and the drivers more aggressive.*

There are no trails on the Refuge that border SR 94. The County maintains the pathway on the north side of SR 94 in the vicinity of Bright Valley Farms to accommodate pedestrian use along the roadway. The trail that extends from SR 94 to Sweetwater Summit Park was never proposed to be closed and would continue to provide off-street access between these areas of the community.

- *The reduction of public access to established trails will have environmental consequences not only within the Refuge, but to the community as well, in the areas of; reduced wildlife observation opportunities; loss of access to culturally and historically significant trails.*
- *Severing the trail system network will have adverse environmental consequences to the historical and cultural aspects of our community, which depend upon the integrated network of trails.*
- *The reduction in trails by the DCCP would have a significant adverse effect on our heritage, traditions and economic subsistence of life.*
- *The EA fails to consider the environmental consequences within the Refuge but utterly fails to look outward into the community that borders the Refuge to assess the environmental consequences of the proposed alternatives to the neighboring communities.*

The trail plan included in the Final CCP provides a network of multiple use trails that will connect communities to the extent that legal access is available (refer to Response I-4). The trail system will connect Proctor Valley to the Sweetwater River area, the Sweetwater River area to San Miguel Ranch in Chula Vista to south and Spring Valley to west, and the Par 4 area to areas along Steele Canyon Road. A network of trails will also be provided in the McGinty Mountain area that initially can be accessed from Jamul Drive. Additional access may be available in the future if access agreements can be reached with adjacent property owners.

### **I-36 – Using roads as trails**

- *I don't believe that roads are trails, and I'm wondering how much of 20 miles of trails proposed in Plan B are actually roads, how many miles of SDG&E access roads are unpreserved.*

Alternative B did include the use of SDG&E maintenance roads as part of the trail system. In the trail plan included in the Final CCP, most of these roads have been eliminated from the designated

trail system, however, two segments that provide access through the southern portion of the Refuge are still included within the official trail plan, as they provide an appropriate alternative access route to the Sweetwater River Trail and are already heavily used by Refuge visitors. Although not part of the designated trail plan, there are currently no plans to block access to the remaining SDG&E maintenance roads.

### **I-37 – Address equestrian trails**

- *Equestrian trails are not appropriately addressed. Riding is a part of our community heritage and is the preferred method of wildlife observation by many in our community.*
- *I want to talk about adequate equestrian. I want more input on which trails are going to remain open. Very important to me.*

All of the trails, with the exception of a future birding trail in the Las Montañas south area, are designated for nonmotorized multiple use. Separate equestrian trails are not proposed. The trail staging area proposed for the area west of Millar Ranch Road and south of SR 94 will have pull through spaces to accommodate horse trailers.

### **I-38 – Minimize or restrict mountain biking**

- *As a bicycle enthusiast, I do enjoy riding my mountain bike on the county roads in Sloane Canyon. However, because it is my experience that most people who use USFW land (and Sloane Canyon in general) see it as a recreational location, not as a wildlife refuge, I must ask that mountain bikers be prohibited from any trail system in the refuge. I find the option of allowing mountain bikers on the refuge as an invitation to go off trail. I know first-hand, as a mountain biker, that I prefer to not be on trails used by walkers and hikers. Mountain bikers, in general (and I include myself in this), will not want to negotiate obstacles such as hikers and walkers who will be "in their way" and will therefore be encouraged to divert from the USFW permitted trails. Following deer and animal trails off the designated trail system will be too tempting an invitation for most bicyclists.*

As addressed in I-37, the Final CCP proposes that with one exception, all trails will be designated for nonmotorized multiple use. We will rely on the various trail user groups to ensure that users are staying on the designated trails. If compliance is not occurring, reevaluation of our finding of compatibility would be necessary and as a result, all or some uses may be restricted or eliminated in areas where compliance is not occurring.

## J. Issues with a trail and a trail staging area on Sloane Canyon Road

- *having horses on Sloane Canyon Road is dangerous . . . To be more specific, it is not just that Sloane Canyon Road is virtually one lane in many portions, but in addition, it has shear drops off to the sides, has many blind curves, and, because it is dirt, makes suddenly stopping a vehicle difficult even at the designated speed limit of 25 miles per hour. If horses are to be allowed on the McGinty Mountain area of Refuge land, we ask that horse riders be prohibited from accessing the trail system from Sloane Canyon Road and rather direct them to other more appropriate and safe staging areas such as in Jamul.*
- *Illegal dumping, unauthorized camping, trespass, off-road vehicle trespass, and other law enforcement issues are a repeated and costly environmental impact the length of Sloan Canyon Road. The majority of impacts, monitoring and clean-up costs to date have been born by our neighbor, the Sycuan Band, even when the damage has occurred on the KDLC parcel. Expanding parking options and encouraging the public to access the Refuge from this location will also exacerbate the existing problem and result in additional negative environmental impacts to the wildlife corridor, tribal lands and adjacent KDLC conservation lands. The negative environmental impacts to these areas are not evaluated in the environmental assessment.*
- *We have a concern about the proposal to create a designated parking lot immediately south of Model A Ford Lane . . . mitigating measures and extensive input from Sloane Valley residents needs to be addressed during any step-down planning of a parking lot in this area.*
- *We believe a parking lot and designated trail system departing from the proposed parking lot off of Sloane Canyon Road will result in increased use of Sloane Canyon Road by the public. The CCP does not reflect that Sloane Canyon Road is a dirt road after about the first 3/10s of a mile and that the road narrows to an effective single lane in the area immediately before reaching Model A Ford Lane and the proposed parking area.*
- *Adding a parking area on Sloan Canyon would actually require you to completely overhaul that truck trail as it no longer goes all the way to Mt McGinty and has not for a very long time.*
- *I oppose the recommended trail parking area on Sloane Canyon Road just beyond Model A Ford Lane. The proposal provides very limited parking spaces, when the lot is full; impacts are likely to occur as users attempt to park in appropriate and unsafe locations.*
- *We are against the proposed parking lot on Sloane Canyon Road just south of Model A Ford Lane. That area has always had problems with dumping and also with teenagers partying (drinking & drugs).*
- *It is imperative that a safe place be established for a staging area, Sloan Canyon Road is narrow and with a single lane over the very steep summit, it is certainly not safe for rigs, or that matter for a horse and rider.*
- *we strongly urge the Service to explore the possibility of a partnership with the Sycuan Band of the Kumeyaay Nation in order to establish a parking and staging situation for potential hikers and equestrians.*
- *If there is a way to create a staging area within the first half mile of Sloane Canyon Road (where it meets Dehesa Road) that does not generate traffic, noise, or debris, I am in favor of opening a trail that provides access to McGinty Mountain that does not impact the private property on Model A Ford Lane.*

Based on the comments received during the public comment period, as well as further analysis of existing site conditions along Sloane Canyon Road and the presence of sensitive plant species on the old switchback road cut south of Model A Ford Lane, the proposal to establish a small parking area off Sloane Canyon Road and provide access onto the Refuge in the vicinity of Model A Ford Lane has been eliminated. Other options for access to the McGinty Mountain area are currently being explored with adjacent property owners. The Sycuan Band of the Kumeyaay Nation and the Kumeyaay Diegueño Land Conservancy are currently evaluating the potential for providing legal access from Sloane Canyon Road to the Refuge from an area just south of the point where Sloane Canyon Road crosses the Sweetwater River. The potential for a staging area is also being considered.

## **K. Controlling the presence of dogs on the Refuge**

### **K-1 – Do not allow dogs on the Refuge**

- *Dogs should not be allowed in such a special place.*
- *As I have witnessed many times, allowing dogs in the Refuge is a bad idea. There is absolutely no possibility - none - that dog walkers can be expected to keep their pets on a leash when hiking these trails...they simply don't do this. Most dogs will end up running free through the brush, chasing down, terrorizing and occasionally killing local wildlife.*
- *Leash laws are routinely disregarded, and off-leash dogs will harass wildlife, are rarely cleaned up after, and can conflict with other users such as equestrians and bike riders.*
- *Allowing dogs on leash is simple asking for trouble. The temptation to go off-leash is irresistible to many dog owners, and given the number of enforcement staff, an on-leash rule is unenforceable. Regulations that cannot be enforced should not be promulgated.*
- *Dogs on the refuge are also a concern to us. We frequently witness and deal with, unrestrained dogs, abandoned or lost dogs, unsupervised dogs straying onto our property, dog fights occurring between unrestrained dogs brought into the canyon by their owners, and dogs chasing vehicles and bicycles on the road. Unrestrained dogs are not only a danger to other dogs and humans, but are a danger to wildlife (dogs killing wildlife occurs often in this valley) and are, in turn, in danger of being attacked or killed by wildlife (coyotes, mountain lions, bobcats) and bitten by rattlesnakes . . . It is not unreasonable to assume that dogs will be "set free" to romp and run through USFW land, as they currently are on Sloane Canyon Road. We therefore ask, for the safety of the wildlife, the dogs, and other people who use the trails, that no dogs be permitted on refuge land.*
- *Dogs should remain off the Refuge as it is impossible to enforce leash requirements. If Service management resources are improved in the future, selected trails could be opened to dogs on leash experimentally, to determine if education programs, signage, ranger interactions and peer influences are able to adequately control dog companions on the selected trails. If the dogs on leash experiment proves compatible with Refuge management responsibilities, it could be expanded perhaps to additional carefully selected trail segments.*
- *The Authority shares the Service's concerns about water quality impacts related to dog waste on the Refuge. It is understood that dog waste creates a higher contamination potential than equine waste. The Authority would support a future prohibition of all dogs and equines from the Refuge.*

Dogs will be permitted on the designated trail system within the Refuge provided they are leashed and waste is picked up and properly disposed of. The CCP and the Compatibility Determination that addresses this use both state that the continued ability to bring leashed dogs onto the Refuge is conditioned upon compliance with leash and waste removal requirements. Noncompliance will result in the closure of the Refuge to dogs. If the presence of dogs on the Refuge is determined in the future to have unanticipated deleterious effects on wildlife, habitat, or water quality, dogs may be prohibited on some or all areas of the Refuge.

Information about the potential dangers to dogs while on the trail (e.g., heat, lack of adequate water, rattlesnakes, poison oak), as well as the potential impacts dogs can have on wildlife and water quality will be provided at trailheads and in other Refuge publications.

#### **K-2 – Prohibit dogs in sensitive areas of the Refuge**

- *Refuge staff should evaluate which portions of the Refuge are less sensitive and consider limiting dogs - on leash only - to certain trails.*

Refer to Response K-1.

#### **L. Address the lack of accessible recreation**

- *None of alternatives provide for accessible recreational access.*

Table 5-3 in the Final CCP includes a number of projects that will improve accessibility, the most important of which is to improve the sustainability of the trails included within the final trail plan. Improving sustainability necessarily results in more accessible grades and improved trail surfaces. As new outdoor recreational facilities such as trailheads, hiking trails, and viewing areas are developed on the Refuge, they will be designed in accordance with the Architectural Barriers Act Accessibility Guidelines that were amended in 2013 to add scoping and technical requirements for these types of outdoor recreational facilities. At present, only hiking trails are addressed by these amended guidelines, but work is being conducted to create guidelines for multiple use trails. In the interim, all new multiple use trails on the Refuge will be designed to ensure the long term sustainability of the trails. In addition, improvements will be made as funding permits to segments of existing designated trails that are not sustainable due to steep grades, inappropriate cross slopes, or other factors. These changes will also result in improved accessibility for all users.

#### **M. Prohibit shooting on the Refuge**

- *Shooting should not be allowed on the Refuge.*
- *Balance the range of allowable recreational uses so that activities such as shooting do not conflict with or otherwise precludes future City of Chula Vista and/or County planned recreational uses.*

Target shooting is not proposed for any portion of the Refuge.



## **N. Acknowledge any presence of historic roads on the Refuge**

- *Table 1 – 1 fails to include Revised Statute (RS) 2477 passed by the U.S. Congress in 1866, which grants right-of-way access on federal land for existing trails and roads. RS 2477 was repealed by the Land Policy and Management Act of 1976 (FLPMA), but the new law did not terminate rights-of-way conveyed under RS 2477. Many of the trails and roads on the Refuge existed over 40 years ago and are protected under that statute. The USFW cannot close trails and roads linking one community to another, nor can any portion of the California Riding and Hiking Trail be closed.*
- *Prior to its repeal by section 706 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), section 2477 of the Revised Statutes of the United States (43 U.S.C. 932) provided a perpetual grant of a right of way for the construction of highways over public lands, not reserved for public uses.*

The Bureau of Land Management was contacted regarding the presence of any rights-of-way on the Refuge that may have been conveyed under RS 2477 and none were identified. Therefore, RS 2477 and FLPMA are not applicable to this Refuge. Additionally, the California Riding and Hiking Trail does not extend through the parcels currently included within the Refuge boundaries.

## **O. Closing the Refuge**

- *I do not believe it is realistic to close the Refuge. There is absolutely no way to keep people out of this area.*

None of the alternatives presented in the draft CCP/EA proposed closing the Refuge to the public. The Final CCP includes a trail plan that will permit public access onto the Refuge via a designated trail system and the trail system has been designed to connect to other public trails in the adjacent communities including the County's Sweetwater River Regional Trail.

## **P. Need for law enforcement**

- *Enforcement is needed within various areas of the Refuge to stop illegal uses (e.g., off road vehicles, dumping of trash, night time activity) and killing of Refuge wildlife.*
- *Enforcement and volunteers will be paramount to the success of proper management of the Refuge.*
- *At present, there is effectively no active regulation on USFW land in the McGinty Mountain area in the region near Sloane Canyon Road. This allows the unfettered creation of new trails, along with ongoing off-road activities. Unless USFW takes a more active role in securing its lands, we anticipate that these off-roads will increase their use of the USFW land immediately south and west of Model A Ford Lane, as well as using the connecting unauthorized trails in the McGinty Mountain area. We therefore ask USFW to increase its law enforcement presence in the McGinty Mountain area and/or increase signage indicating that off-road vehicle activity on USFW lands in the area is prohibited.*

- *Enforcement-I see this as THE most important link in protecting the area. I know this is a sore subject and resources are limited. This is why I also think that absolutely NO MORE areas should be opened to the Public than what already is. The current open areas cannot be sufficiently enforced. From my own personal observation, I can tell you that there are no repercussions for the people out here (I am talking residents, AND drive in users). Drive in users trespass and park on our posted private road, read the signage on the gate stating this is NOT a public access, why it is not, and where they can park for legal access, yet climb right over the gate anyway. People know that enforcement is not around and they will not be cited for any misdeeds. We have had everything from a Navy guy in Camos out here attempting to capture a coyote pup (for unknown reasons), to illegal off roaders, illegal shooters, people tent camping, dumping trash, using the Refuge until late at night (sometimes 10-11 pm), people doing drugs, having sex, killing rattlesnakes, cutting off the rattles and leaving the carcass on the trail, shooting coyotes with arrows in the stomach, chase wildlife etc. Some may feel that writing tickets will make it worse, I disagree. The "nice" approach does not, and HAS NOT worked, at least in my area. If the public knows there may be a penalty for bad behavior, they may be more inclined to behave. Otherwise, with the increase in use I have seen in this area, it will never be a viable Wildlife Refuge, but just another place humans destroy for their own pleasure. The people on Echo Valley Rd. for example, that have claimed they will "self-police" have continued to violate Refuge rules for their own convenience. When users know the rules yet purposefully violate them anyway, that is the time when the Enforcement needs to step in if you are interested in having this as a compatible Refuge.*

We agree that law enforcement is an important component of management of the Refuge. The San Diego NWR Complex currently has two Refuge Officers and one Supervisory Refuge Officer. These officers, who work closely with Federal, State, local and tribal law enforcement agencies, have a dual role of enforcing Refuge regulations, as well as ensuring the safety of Refuge visitors. Our officers regularly patrol each refuge in the County, including the San Diego NWR, to ensure visitor safety, identify potential violations, issue citations as warranted, and educate visitors about Refuge regulations.

At McGinty Mountain, only one corner of the Refuge touches Sloane Canyon Road just south of Model A Ford Lane. In 2010, we installed a vehicle barrier fence at that location to reduce unauthorized vehicle access to this part of the Refuge. We continue to support Sycuan and the Kumeyaay-Diegueno Land Conservancy's effort to install k-rail and a vehicle barrier fence along Sloane Canyon Road to reduce vehicle trespass. Collaboration with our neighbors and partners will continue in an effort to address issues such as vehicle trespass and other illegal activities occurring on the Refuge.

## **Q. Issues related to Refuge staffing and budget**

### **Q-1 – Costs for supporting public uses on the Refuge should be shared by users and other State and local agencies**

- *The cost of managing public open space must be supported regionally. Currently, only hunters pay license fees; it is time for all users to help fund the management required to maintain the lands on the Refuge through fees and increased support for public and government funds. Coordinating recreation of this resource will require much more funding than is currently available.*
- *The Refuge is a regional resource shared by all jurisdictions and all residents of San Diego County and other parts of the State, and we should support additional funding for management of this resource.*

Comment noted.

### **Q-2 – Additional staff is needed to oversee management of natural resources and public use**

- *For the Refuge to adequately engage in the new and updated responsibilities of the CCP, additional staff and funding are essential.*
- *Closing and/or redirecting all trails that are not approved in the final CCP should also include plans and funding (over time) to restore habitat and protect sensitive areas.*
- *Enforcement of recreational use by limited Refuge staff will be difficult under any circumstance, including the circumstance of a designated and consolidated trail network.*
- *To undertake the new and expanded responsibilities of the Comprehensive Conservation Plan, additional staff and associated funding make this a top priority and to let EHL know how we can help.*

The Final CCP includes a staffing plan that recommends additional personnel to assist in Refuge maintenance; however, staffing levels are based on the annual budgets, which have decreased in recent years. Funding for trail maintenance is also addressed in the Final CCP.

## **R. No structures should be constructed on the Refuge**

- *For the record, I am also against any type of permanent structure in the area. I mean one that houses rangers and is an additional expense on the taxpayers, etc. All information can be accessed online these days, no need to maintain buildings.*

The Refuge includes several structures that must be maintained either to protect a historic resource or to support Refuge maintenance and management. In addition, the Final CCP proposes the future development of a Refuge contact/office facility in the vicinity of Millar Ranch Road and SR-94 to facilitate environmental education and interpretation activities, as well as to provide Refuge staff with a facility on Refuge land that will eliminate the need to pay rent for space located off the Refuge. The availability of visitor support facilities on the Refuge will improve the visitor experience and facilitate better communication regarding Refuge purposes and the importance of adhering to Refuge regulations.

## S. Issues related to Millar Ranch Road and adjacent properties

- *Without any improvements to Millar Ranch Road, there is a safety issue because of the increased amount of traffic due to visitors to the SD NWR. There are no defined parking or staging areas. This leads to situations where visitors to the NWR are parked alongside Millar Ranch Road, or in front of houses . . . unless the shoulder areas of Millar Ranch are widened, or unless something is done to prevent parking along the road, the safety issue will persist.*

We recognize the limited parking opportunities for Refuge visitors. The Refuge has recently entered into a project agreement with Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) to widen SR-94 to accommodate a westbound left turn lane at Millar Ranch Road and construct a parking area between Millar Ranch Road and the old steel bridge. Construction is anticipated for 2020. Once constructed, parking along Millar Ranch Road will be discouraged through signage and enforcement. Until then, vehicles parked unsafely can and have been cited by Refuge law enforcement officers.

- *Similarly, the upper section of Millar Ranch Road is a PRD which means there is an assessment on annual property tax for the residential parcel owners. The county uses these funds to ensure the maintenance on this road is performed. The burden of this is unduly placed on the residential parcel owners, and no burden is upon SD NWR for this.*

Maintenance is performed by the County only on that section of road using the referenced assessment fees. The Refuge has performed maintenance on the remainder of the road under its ownership, including resurfacing, restriping, adding reflective centerline pavement markers, replacing guardrail and fencing, and maintaining a fuel modification zone.

- *The lower section of Millar Ranch Road is an easement over a Caltrans-owned parcel. There are no parties who are responsible for the maintenance and upkeep of this section of roadway. Currently, it is the homeowners on Millar Ranch Road who take it upon themselves to perform maintenance on this section of road. This is a substantial cost to us. Now that the SD NWR has expanded, there is a greatly increased amount of traffic coming across this section of roadway. In conversations with Jill Terp (Refuge Manager), she has indicated that while they would like to help, there's really no funding at this time to do so. I find it unacceptable that a large acquisition like this could be done without fully considering the impact to the access infrastructure.*

The easement across the referenced parcel allows any of the easement holders to undertake repairs at their own expense. Caltrans is in process of transferring this parcel to the Refuge; however, it is unclear when that transfer will be finalized. The Refuge is willing to work with other road users, including the many Millar Ranch Road area residents, to seek funding for repairs to this section in the near future. With the parking lot project referenced above, we expect to repair this section as part of that project if not completed beforehand. After the parking lot is created, we will encourage Refuge users to park there, and anticipate less use of Millar Ranch Road for Refuge access.

- *SD NWR to be a good neighbor to the residents on Millar Ranch Road.*

Comment noted.

## T. Issues related to the Otay Ranch Preserve

- *The CCP should acknowledge discussions between the Service, the County, and the City of Chula Vista regarding the possible transfer of lands in Proctor Valley east of Otay Lakes within the San Diego NWR acquisition boundary to the Refuge and acknowledge the potential for these lands to be managed by the Refuge.*

Chapter 3 (Refuge Management) addresses the potential for future acquisitions in the Proctor Valley area.

- *Identify the City of Chula Vista and the County's previously approved planning documents regarding public access through the Otay Ranch Preserve.*
- *Acknowledge that public access through the Otay Ranch Preserve is an allowed use and shall not be precluded provided that such uses are designed and sited in the least environmental sensitive areas. Further, the range of trail types and allowed uses (pedestrian, bicycle, equestrian) should be noted.*
- *Identify City/County previously approved planning documents regarding public access through the Otay Ranch Preserve.*
- *The CCP should acknowledge that public access via multiple use trails through this Preserve should be designed and sited in the least environmental sensitive areas; that the proposals for public access in these areas will be consistent with previously-approved planning documents prepared by the County and City of Chula Vista for the Preserve; and that the range of allowable recreational uses will be balanced to ensure that activities such as hunting would not conflict with or preclude future City and County planned recreational uses. (A discussion of potential future acquisition of lands within the Otay Ranch Preserve has been incorporated into the final CCP – add language from Chula Vista letter.)*

The Final CCP addresses lands that are currently included within the Refuge boundary. It does not include proposals for lands not yet acquired for management. Once the lands are acquired, issues related to species and habitat protection and compatible public use will be addressed. Access to Refuge trails from Proctor Valley would be available via the Refuge's Hidden Valley parcels and a staging area is proposed off of Proctor Valley Road.

- *Preserve lands currently managed by the City of Chula Vista, including conservation areas associated with the Otay Ranch Preserve, could be affected by the CCP. These Preserve areas are located east of Otay Lakes, within the unincorporated areas of the County of San Diego. Providing planned public access through the Otay Ranch Preserve is well documented in a variety of documents.*

The management proposals in the CCP for the lands currently included within the Refuge are unlikely to have any adverse effects on preserve lands managed by the City of Chula Vista. Hunting, which will be permitted in a portion of the Otay Lakes and Mesa area of the Refuge, will occur in an area where the adjacent properties, managed by the California Department of Fish and Wildlife and Bureau of Land Management, already accommodate hunting programs.

- *As provided for in the County of San Diego MSCP Subarea Plan South County Segment, we continue to support the eventual exchange of property within the Otay Ranch Preserve from the Otay Ranch Preserve Owner/Manager to the Refuge so long as the USFWS continues to agree to manage and maintain the land (Baldwin & Sons, LLC).*

Comment noted.

- *We support all acquisitions the USFWS is able to make to add to the Refuge. In addition, we recommend the purchase of the area between Las Montañas and Mt. Miguel if this parcel is available.*

We have actively sought to acquire the privately-owned parcels in the area referenced. With owner approval, appraisals have been done for each of the parcels but to date, none have accepted purchase offers.

#### **U. Coordination with Caltrans**

- *Any work performed with the Caltrans right-of-way will require discretionary review and approval by Caltrans. Future improvements at SR-94 and Millar Ranch Road would require an encroachment permit for any work within the Caltrans right-of-way prior to construction and compliance with the California Environmental Quality Act. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as the procurement of any necessary regulatory and resource agency permits.*

The Refuge is currently working with Caltrans on the completion and implementation of these actions.

## V. Effects on electric transmission facilities

### V-1 – Effect of CCP on essential public utilities

- *The proposed CCP does not adequately address the existence of essential public utilities and the effect of the CCP on such utilities.*
- *Acknowledge the Subregional Plan and recognize that the conservation measures in the Plan would apply to all O&M activities conducted by SDG&E on right-of-ways within the Refuge.*

The draft San Diego NWR CCP acknowledged the presence of SDG&E's electric transmission and distribution lines within the Refuge boundary. Neither the draft nor the Final CCP proposes any actions that would interfere with continued operation and maintenance activities by SDG&E within existing easements or rights-of-way that were established in the area prior to acquisition of the underlying or adjoining Refuge lands. To better inform future management on the Refuge, we have expanded our discussion of electricity facilities within and adjacent to the Refuge in Section 4.5.4 of the Final CCP, and have included information to acknowledge SDG&E's Subregional Plan. The revised text is provided below.

San Diego Gas & Electric Company (SDG&E) maintains utility rights-of-way, which often include access roads, throughout various parts of the Refuge, including within the Otay-Sweetwater Unit and Del Mar Mesa Vernal Pool Unit. All of these rights-of-way existed prior to acquisition of the underlying parcels for inclusion in the Refuge. Within the Otay-Sweetwater Unit, a transmission facility extends southwest to northeast through the Refuge. This facility currently contains a 230 kV electricity transmission line and electrical distribution lines. In about 2005, existing 138 kV and 69 kV circuits were relocated onto a new pole alignment within the existing right-of-way and the existing poles were modified or replaced to accommodate the 230 kV transmission line that connects the Miguel substation, located to the south of the Refuge, to the Mission substation in central San Diego.

The Miguel substation is located on lands owned by SDG&E that abut the southwestern Refuge boundary. A 500 kV transmission line, extending from the Miguel substation to the Imperial Valley/Arizona area, crosses Refuge land near the southeastern slopes of San Miguel Mountain and extends through lands included within the Refuge acquisition boundary to the east of the Refuge. Portions of the lands to the east of San Miguel Mountain may ultimately be developed, while other portions may be incorporated into the Refuge and/or managed as preserved lands by other government entities. In any case, SDG&E would continue to operate and manage this facility and the lands within the existing right-of-way.

A number of 69 kV electrical distribution lines also extend through various portions of the Otay-Sweetwater Unit including in the Millar Ranch Road area, north and south of SR 94 in the vicinity of the Sweetwater River, a portion of Las Montañas, and through the 74-acre Refuge parcel located north of Dehesa Road.

An electric transmission facility, managed and maintained by SDG&E, also extends north/south through the Del Mar Mesa Preserve. This facility crosses the two western most Refuge parcels on the Mesa. Currently, 138kV and 230kV transmission lines are included on the existing towers. An additional 230kV line is to be installed on the existing towers by 2017. Various maintenance roads, maintained by SDG&E for access to their transmission towers,

extend across the western Refuge parcels. These roads are proposed as multiple use trails in the Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan<sup>31</sup>.

All of SDG&E's lands, along with the operations and maintenance activities conducted in established easements and/or rights-of-way, are covered by the SDG&E Subregional NCCP (USFWS Take Permit PRT 809637, December 18, 1995) and their Implementing Agreement/California Endangered Species Act Memorandum of Understanding. The Implementing Agreement states that "implementation of the Subregional Plan is independent of other NCCP/HCP's and the Covered Species for which the Incidental Take is authorized under the Take Authorizations is not dependent upon the implementation of such plans." These documents cover a total of 110 plant and animal species. In addition, the NCCP Subregional Plan mitigation measures relating to vernal pools were clarified in an agreement with SDG&E, USFWS, and CDFW, dated May 26, 2004.

## **V-2 – Address importance of the Miguel substation**

- *The CCP should recognize the significant and growing role that [San Diego Gas and Electric Company's] Miguel substation plays in achieving State mandates for renewable energy and in providing regional energy reliability.*

We acknowledge the significance and role the Miguel substation plays in the transmission and distribution of electricity throughout the region, but the facility is not located on Refuge land, nor do management actions on the Refuge directly affect the function of the substation. As with any adjacent landowner, it is our intent to ensure that actions occurring on the Refuge will not result in adverse effects to this or any other property located adjacent to the Refuge. The management actions to be implemented as a result of the approval of the CCP are not substantially different from current management activities occurring on the Refuge, and no changes are suggested that would interfere with the continued operation of this facility.

## **V-3 – Effects of land acquisition**

- *The CCP/EA provides an inadequate analysis of the potential effect of Refuge land acquisition on existing and proposed land uses.*
- *SDG&E is concerned that the Refuge acquisition policies will result in the Refuge surrounding the Miguel substation.*

The Miguel substation is located outside of the Refuge acquisition boundary, as is the land to the west. Much of the land to the south and east is either owned by SDG&E or has been developed. With the exception of one or two small parcels located immediately adjacent to existing Refuge lands, additional acquisitions in the vicinity of the substation are unlikely. Due to the current ownership and use patterns in the area, it is not possible for the Refuge to surround and land-lock the Miguel substation.

With respect to future land acquisition, the properties that can be acquired for inclusion in the Refuge were identified in planning documents approved in 1997. Environmental analysis of future acquisition was conducted in accordance with NEPA at that time. The current CCP addresses management of the lands that have already been acquired and is not intended to address future acquisitions.

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<sup>31</sup> City of San Diego. 2015. Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan.



#### **V-4 – Future need to widen utility easements on the Refuge**

- *There is now a very high potential that new electric transmission lines will be routed through the Miguel substation and that utility easements will need to be widened.*

The purpose of the San Diego NWR CCP is to provide guidance for how the Refuge should be managed to best achieve the purposes for which it was established. It addresses current resource conditions within the Refuge boundary and is not intended to address proposals that have not yet been developed or clearly defined. No proposals for expanding the existing rights-of-way that extend through the Refuge have been submitted; therefore, it is not possible to evaluate the potential effects of such a proposal on Refuge resources at this time.

#### **V-5 – Address Section 368 of the Energy Policy**

- *The U.S. Department of Energy (DOE) is currently updating its electric transmission congestion study pursuant to Section 368 of the Energy Policy Act of 2005. Prior congestion studies issued by DOE have identified southern California as a “critical congestion area.”*

The DOE, pursuant to Section 1221(a) of the Energy Policy Act of 2005, released the most recent National Electric Transmission Congestion Study in September 2015. Previous congestion studies were released in 2006 and 2009. The 2015 study provided information about transmission congestion by focusing on specific indications of transmission constraints and congestion and their consequences. The study focused primarily on historical trends over the past few years, and looked into the future to the extent possible. It did not apply congestion labels to broad geographic areas such as the “critical congestion areas,” “congestion areas of concern,” and “conditional congestion areas” that were identified in earlier studies<sup>32</sup>. According to the 2015 study, the “2009 Congestion Study identified Southern California as a critical congestion area. Since that time, several major transmission projects have been built or are near completion that will address the issues identified in the 2009 study.” One of the projects noted in the 2015 study is the Sunrise Powerlink project, which the study states will “contribute materially to the reliability of the region.” The 2015 study does however note that the “permanent closure of SONGS has created some local reliability challenges for Southern California.” Overall, DOE identified a reduction in the incidence of congestion and its economic costs nationwide due to several broad, nation-wide trends that affected transmission usage patterns since the publication of the 2009 study.

In a letter to the DOE from SDG&E, dated March 30, 2012, SDG&E states that while the conclusion of the DOE in December 2009 that “Southern California remains congested, and that it should retain its status as a Critical Congestion Area” was appropriate at the time, “progress in adding major new transmission facilities in southern California, in addition to study work conducted by the CAISO [California Independent System Operator] and other planning entities, may make it appropriate for the Department to review its earlier determination.”

- *The CCP should address Sections 368(a) and (c) and Section 372 of the Energy Policy Act of 2005.*
- *The CCP does not provide any discussion of a Memorandum of Understanding developed under the EPA, nor does it discuss have the terms of the MOU would apply to the expansion of electric transmission easements.*

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<sup>32</sup> U.S. Department of Energy (DOE). 2015. National Electric Transmission Congestion Study. September 2015.

- *SDG&E encourages the Service to coordinate policies developed under the CCP with DOE to ensure consistency with federal laws and policies regarding energy reliability.*

As no energy corridors are designated or proposed pursuant to Sections 368 and 372 of the Energy Policy Act that affect the Refuge, these sections of the Energy Policy Act are not applicable to the Refuge at this time and are therefore not addressed in the CCP. However, as stated in the draft CCP in Section 5.7.4.1, all proposals for a right-of-way on or over lands included within the National Wildlife Refuge System must comply with the Rights-of-Way General Regulations included in Title 50, Part 29, Subpart B of the Code of Federal Regulations.

The reasons for our determination that these sections of the Energy Policy Act are not applicable to the Refuge at this time, are provided below.

Section 368 of the Energy Policy Act of 2005, Public Law 109-58 (H.R. 6), directed the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior to designate under their respective authorities corridors on federal land in 11 Western States, including California, for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities. Section 372 of the Energy Policy Act required approval of a Memorandum of Understanding to be signed by the Secretaries to coordinate all applicable Federal authorizations and environmental reviews relating to a proposed or existing utility facility.

In accordance with the Energy Policy Act, a Final Environmental Impact Statement was issued in 2008 that identified potential corridors and in 2009 Section 368 corridors were designated on agency lands (BLM and Forest Service) by amending land and resource management plans. No corridors were identified that would affect the San Diego NWR<sup>33</sup>.

In 2012, as a result of legal actions related to the designation of the corridors, a settlement agreement was approved by the Court that ensures that future revisions, deletions, or additions to the Section 368 corridors consider the various general principles including avoidance of environmentally sensitive areas to the maximum extent practicable.

Pursuant to the Settlement Agreement described above, in 2013, a Memorandum of Understanding among the Department of the Interior, Bureau of Land Management, Department of Agriculture, Forest Service, and the Department of Energy regarding regional periodic reviews, including review of interagency operating procedures, for Section 368 Corridors was approved. Of note is the following statement: “This MOU is not intended to authorize the siting of any electric transmission facility within the boundaries of any unit of the National Wildlife Refuge System, National Park System, or National Marine Sanctuary System.”

Per the requirements of the settlement, in spring 2016, a review of Section 368 energy corridors was conducted for Region 1, which includes southern California. No energy corridors, designated pursuant to Section 368 of the Energy Policy Act, are proposed within or in the immediate vicinity of the Refuge<sup>34</sup>. If as a result of periodic regional reviews, there are recommendations for specific corridor additions, deletions, or alterations that could affect the Refuge, these recommendations would be reviewed to ensure among other things that the corridor(s) are thoughtfully sited to provide maximum utility and minimum impact to the environment. Potential impacts on the Refuge

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<sup>33</sup> <http://corridoreis.anl.gov/>

<sup>34</sup> <http://www.corridoreis.anl.gov/maps/>

would be analyzed and mitigated as part of the project-specific environmental analysis required under NEPA and other Federal law.

#### **V-6 – Adverse effects to energy facilities in northern San Diego County**

- *The CCP could adversely affect energy facilities in northern San Diego County.*

We do not agree that the CCP could adversely affect energy facilities in northern San Diego County, as the proposals in the CCP would not alter SDG&E existing maintenance and operations related to the existing transmission facilities located on the Refuge's Del Mar Mesa parcels.

#### **V-7 – Address expansion of easements**

- *The CCP/EA contains an inadequate analysis of essential public utilities under “existing authorized uses” and should note that expansion of the easements would be an allowable use.*

The discussion of existing SDG&E facilities within the Refuge and associated maintenance activities has been expanded in the Final CCP. If expansion of transmission facilities within existing rights-of-ways on the Refuge are proposed, the Refuge would review and comment on the required CEQA, but would not have the authority to deny the proposal. The expansion of existing transmission easements onto Refuge property is not considered an allowable use in the CCP. Any such proposal would be subject to NEPA, the Refuge Improvement Act, and other applicable Federal regulations.

#### **V-8 –SDG&E maintenance roads**

- *Please review the road standards in and around the SDG&E lines for erosion, percent grade, Clean Water Act compliance and habitat impacts. These access roads have become more prominent, showing greater signs of use and development, that has a detrimental effect on visual scenic impacts. Maintenance of these lines could take place on foot and by helicopter rather than continual grading and use of the dirt road.*
- *I'd like to know have any of the roads been surveyed to be closed, has SDG&E been approached to close any of the access roads. And I know that in the Sunrise Powerlink, some of the solutions to not taking roads into some of the wilderness areas was to offer to maintain the power poles by helicopter. And I'm wondering if the refuge has approached SDG&E and talked about possibly doing that in some of the more remote poles with, of course, like I mentioned, the goal to be using given up and abandoned roads as mitigation for either allowing trails that exist on the ground to be brought into the plan or new trails to be built. This is just one example of some creative ways to maximize public access to trails and clear the refuge of maintenance and (inaudible) roads.*

SDG&E is responsible for the maintenance of their transmission line access roads, which are included within easements that were present on the land prior to the land's acquisition for Refuge purposes. The Refuge cannot require that any SDG&E access roads within their easements be closed. SDG&E has an approved MSCP Subregional Plan that includes conservation measures applicable to all operation and maintenance activities conducted by SDG&E on right-of-ways within the Refuge. Any concerns related to activities occurring within these easements should be directed to SDG&E. The Refuge does work with SDG&E to ensure that activities occurring with these easements do not adversely affect sensitive Refuge resources.

## W. Fire concerns

- *Protect the land from fire. McGinty Mountain has not burned in 40 years. Critical ecological zones should be protected by fire as much as possible, treating only the urban/wild interface area. Mastication and control burning, and broad vegetation management would severely compromise the resources, parameters, and criteria protected by refuge standards.*

Fuels treatments conducted on the Refuge have focused on reducing vegetation in fire management zones at the wildland-urban interface through mowing and disking. These efforts reduce fire risk to adjacent communities from fires that may start on the Refuge and to Refuge resources from fires that may start on adjacent private land.

Prescribed fire is not currently a fuel treatment in the Fire Management Plan for the Complex. In the McGinty Mountain area, there are very few homes or structures within 100 feet of Refuge land. The Refuge and Fire Management Program are happy to work with adjacent owners to provide the 100-foot fuel break. We continue to work collaboratively with partners on the topic. For example, the Refuge participated in the USGS Fire and Wildlife Strategic Plan Workshop in 2013 that laid groundwork for future development of a regional Wildfire Strategic Plan for the San Diego region. Additional information about fire management on the Refuge is presented in Chapter 4 of the draft CCP/EA.

- *Taking away what little open space there is for the sake of allowing more vegetation to grow is a ridiculous proposal and will only allow for more dense brush that will provide fire fuel.*

The management proposals included in the draft CCP/EA and carried forward into the Final CCP are not expected to result in a greater risk of wild fire than currently exists on Refuge lands. The CCP includes information about the Refuge's fire management program and the partnerships the Refuge fire program has with other fire agencies in the region.

- *Bullets can hit a rock causing a spark. (There have been fires at firing ranges caused by sparks.)*

Studies by the Forest Service indicate that bullets made with a steel component do have the potential to spark a fire when they strike another metal object or rock. Although the risk is low, this is more likely to occur during target shooting, than it is during hunting. No target shooting will be permitted on the Refuge. If it is determined that there is a risk of fire from hunting during extreme drought conditions, the Refuge would have the option of temporarily closing the designated hunt area until conditions improve. The need for a temporary closure would be determined by the appropriate fire agencies in the area.

## X. Issues related to Otay Ranch

- The Refuge acquisition boundary depicted in Figure 1-3 includes the entirety of the JPB Development, LLC and Baldwin & Sons, LLC ownership of Otay Ranch Village 13 (one of the villages included in the Otay Ranch Master Plan). As such, we have a vested interest in the future of the surrounding property. The Otay Ranch Master Plan established a series of villages and planning areas throughout Otay Ranch, the heart of which was the creation of the Otay Ranch Preserve; an 11,375-acre fully funded and managed preserve system (POM). As provided for in the County of San Diego MSCP Subarea Plan South County Segment, JPB Development, LLC and Baldwin & Sons, LLC continue to support the eventual exchange of property within the Otay Ranch Preserve from the POM to the Refuge so long as the USFWS continues to agree to manage and maintain that land. As coordination regarding the exchange of this land is ongoing, it seems an opportune time to consider whether this eventual transfer of property may play a significant role in further refining the CCP.*

None of the POM lands are currently located within the Refuge. The CCP does not address management of lands outside the current Refuge boundary. The Refuge planning process will occur in association with or following the Refuge's acquisition of parcels within the POM. Refuge staff will continue to participate in the pre-planning efforts currently ongoing outside of the CCP process.

- The POM currently controls approximately 1,793 acres either immediately adjacent to or within close proximity of the Refuge. Coordination with other public entities now as part the CCP would assist in future trail planning, including a trail connection from the Otay River Valley via the Otay Valley Regional Park Trail to Otay Lakes Road, which would connect the San Diego Bay NWR to the California Riding and Hiking Trail. None of the proposed alternatives contemplate this opportunity.*

While the CCP does not address areas that are outside of current ownership, currently Refuge staff is working with County of San Diego, City of Chula Vista and other agencies to identify opportunities for public trails in the POM and that connect with other regional or community trails.

- Other trail alignments in the Otay Ranch Master Plan include one through Proctor Valley and the San Ysidro Mountains parcels. We request that these trails be reevaluated as part of the CCP. Formally establishing trail alignments would not only benefit the future residents of Otay Ranch and trail users, it may also facilitate the property exchange between the POM and the Refuge.*

As addressed previously, the areas to be affected by the proposed trail alignments are outside the current Refuge boundary and therefore not addressed in the current CCP. The CCP does however include the proposal for a trail staging area on the Refuge in Proctor Valley that would provide a connection from Proctor Valley into the Sweetwater River area. With respect to trails on areas not currently within the Refuge boundary, Refuge staff will continue to participate in the currently ongoing trail planning discussions with the City of Chula Vista and County of San Diego.

- *Should trails be provided within this area, the proposal for hunting on the Refuge in this area could represent a conflict with public trail access. Open the area south of Lower Otay Lake for hunting was never anticipated as part of the Otay Ranch Master Plan or the Otay Ranch Phase 1 and Phase 2 Resource Management Plans. Such hunting activities have the potential to directly or indirectly impact sensitive plant and animal species beyond what was analyzed in the Otay Ranch Program EIR. As such, we do not support this component of either Alternative C or D.*

Refer to Response H-1.18 and H-1.25.

## **Y. Transfer Refuge management to the Forest Service or National Park Service**

The properties within the Refuge were acquired specifically for the conservation of listed and sensitive species, including species covered by the San Diego MSCP. The Forest Service and the National Parks Service have mandates that differ from those of the National Wildlife Refuge System. To ensure the long-term conservation of species and habitat, the lands within the Refuge are best managed in accordance with the policies of the National Wildlife Refuge System, which are presented in Section 1.3.2 of the Final CCP.

## Z. Editing and formatting comments

### Z-1 – Corrections to figures and tables

- *In Figure 3-21 at page 3-154, the map depicts the westernmost area of the Model A Ford Lane parcels as "unimproved" with the area immediately adjacent to Sloane Canyon Road as "residential." This entire area should be depicted as "residential" in relation to that particular map. Our concern here is with the adoption of Alternative C or any modification of the alternatives that would allow hunting and establish set back requirements related to hunting within the McGinty Mountain area. While our three most western parcels may be classified under the tax rolls as "unimproved", they still have human activity occurring on them daily.*
- *Figure 3-21 depicts significant portions of the Otay Ranch Preserve as "Undeveloped" rather than as "Open Space/Preserve." Revise this figure to more accurately depict the Otay Ranch Preserve system to give a complete depiction of future Open Space/Preserve areas.*

Both Figures 3-21 and 3-22 have been removed from the Final CCP. The graphics are based on data provided by SANDAG at a very broad scale and although they provide a general sense of the types of lands uses that surround the Refuge, they cannot provide the detail needed to specifically address individual parcels or future land uses. Further, during the 15 year life of the CCP, it is likely that significant changes will occur in the general vicinity of the Refuge that would not be reflected on these maps. We have also expanded the discussion of surrounding land uses in Section 4.5.1.2 of the Final CCP to ensure that the current and known future uses of areas adjacent to the Refuge are appropriately described.

- *Figure 3-21 of the CCP depicts significant portions of the Otay Ranch Preserve as "Undeveloped" rather than as "Open Space/Preserve." We suggest that this figure be revised to more accurately depict the Otay Ranch system to give a complete depiction of future Open Space / Preserve areas.*

As described in the preceding response, Figure 3-21 has been removed from the text. A figure of the Otay Ranch Preserve has not been included within the CCP because this area does affect current refuge management. Refer also to the responses provided under Response X.

- *On Table 3-10 at page 3-157 of the report, Model A Ford Lane is identified as a "Rural Residential Road" with no data on traffic volume. The correct information is that Model A Ford Lane is a private easement road currently serving four property owners. A correction to "Private Road" is appropriate. Alternatively, the term "Local Private Road," as used elsewhere in Table 3-10, would be more accurate.*

This table, which is Table 4-10 in the Final CCP, has been revised to accurately reflect the classification of Model A Ford Lane as a private road.

- Update the trail map shown in the draft CCP to be consistent with the current trail map from the City of San Diego.

The trail map has been revised in the Final CCP to be consistent with the City's approved trail plan for Del Mar Mesa.

- *Current Monitoring Methodology for MSCP-Covered Species; suggest revising the table to show the 2014 MSCP Rare Plant Monitoring Protocol for appropriate species.*

Table 4-1 has been removed and has been replaced in Chapter 3 of the Final CCP with a discussion of the Refuge's role in the continuing coordination with other land management biologists in the implementation and periodic refinement of San Diego Management and Monitoring Program's Management Strategic Plan and associated rare plant monitoring protocol<sup>35</sup>.

- *Update the vegetation community map for Del Mar Mesa. The vegetation is better classified as maritime chaparral or as scrub oak chaparral. This area includes some of the rarest oaks in California, and they grow up to seven meters tall on Refuge lands. Additionally, areas mapped as chamise chaparral are interspersed and underlain by a mima mound topography that supports cryptobiotic crust rich in unusual lichen species. The vegetation map should be updated because the communities are far rarer and more valuable than the map shows.*

The vegetation mapping included in the Final CCP is consistent with the vegetation mapping provided in Figure 3-9 of the City of San Diego's Final Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan. The overview of vegetation types within the Refuge parcels on the Del Mar Mesa also addresses the presence of mima mound topography to support vernal pools. We agree that the vegetation communities in this area are valuable and should be conserved, therefore, we will continue to work cooperatively with the City of San Diego and other partners to protect these areas.

- *Table 3-3 Priority Bird Species within the California Coasts and Mountains Region of the Sonoran Joint Venture. I suggest removing this table from the CCP because it is misleading and confusing: the species listed and the status categories are not consistent with the MSCP and other more relevant reports for the Region.*

We disagree that this information is not relevant to the management of a National Wildlife Refuge. Because the Refuge is part of a national system of conserved lands, it is important that we consider not only the local and regional concerns for species conserved on the Refuge, but also for the broader range of wildlife species within a much larger landscape. Understanding these larger landscape concerns is important in supporting proposals and/or funding requests for research, land acquisition, adaptive management strategies, and habitat conservation.

- *The 608-acre parcel in Sloan Canyon, which is owned and managed by the Kumeyaay Diegueño Land Conservancy, should be identified on the maps within the CCP as "conservation organization" rather than "other federal."*

The affected maps within the Final CCP have been revised accordingly.

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<sup>35</sup> San Diego Management and Monitoring Program. 2014. Management Strategic Plan (MSP) 2014 Monitoring Protocol for Rare Plant Occurrences on Conserved Lands in Western San Diego County. March 2014.



- *Figure 1-5 outlines the Vernal Pool Stewardship Project areas. A portion of this is within the property boundary of Village 13. The boundary reflected in Figure 1-5 appears to be entirely within the “Development Area” boundary of the approved MSCP South County Segment. As part of the planning process for Village 13, the property owners have worked with USFWS to develop a land use plan which avoids impacts to the highest quality vernal pool sites while simultaneously proposing to enhance and expand those areas as mitigation for impacts to lower quality vernal pools.*

Comment noted. As described in the draft CCP/EA, the acquisition boundary was determined during the preparation of the initial Land Protection Plan for the Vernal Pool Stewardship Project. The boundary only allows the Service to acquire lands from willing sellers and at fair-market value or to enter into management agreements with interested landowners. The purpose of the acquisition boundary is to define areas that could be purchased for inclusion in the Refuge, if we identified a willing seller and had the funding to make the purchase. There are numerous parcels within the acquisition boundary that will never be incorporated into the Refuge boundary, some are being conserved by other entities and others will be developed or otherwise retained for purposes other than conservation.

## **Z-2 – Corrections/Updates to text**

- *Update the surrounding land use description for the Del Mar Mesa area. Two to three active developments now abut the Refuge.*

The surrounding land use descriptions have been revised in the Final CCP to reflect current development proposals adjacent to the eastern most Refuge parcel within the Del Mar Mesa Preserve. In addition, Objective 1.5 in Chapter 3 has been expanded to address the need to work with the City of San Diego to ensure that no adverse effects to Refuge lands will occur as a result of the development of the lands that abut the Refuge.

- *Update the Sweetwater Authority’s service area population to approximately 186,000 people.*

Section 4.2.7.1 (Hydrology) of the Final CCP has been revised accordingly.

- *Please use current (Jepson 2011) scientific names for all species (e.g., *Bloomeria clevelandii*) and please check for consistency with other parts of the plan when using or not using a subspecies or variety (*Cylindropuntia californica* var. *californica*).*

The scientific names have been updated in the Final CCP and the plan is now consistent when addressing subspecies or variety.

- *Please address the status of the California gnatcatcher on Refuge land in Del Mar Mesa.*

The City’s Resource Management Plan for the Del Mar Mesa<sup>36</sup> notes that gnatcatchers were documented in Diegan coastal sage scrub and southern maritime chaparral habitat within the Preserve during surveys conducted in 1994. Since that time, California gnatcatchers have not been observed on the Refuge parcels, nor are there any recent eBird records of this species on Del Mar

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<sup>36</sup> City of San Diego. 2015. Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan.

Mesa; however, it should be noted that no directed surveys for the species have been conducted in the area in recent years. Suitable habitat is present within the Del Mar Mesa Preserve to support this species and it has been observed in the area in the past, therefore, there is no reason to believe that the status of the species on the site has changed since it was observed in 1994.

- *Under the discussion of San Diego Ambrosia, consider revising the first sentence to incorporate other management options for this species such as mowing, rather than focusing only on herbicide treatment.*

The purpose of this statement was to address the need for research into herbicides that will not adversely affect San Diego Ambrosia; it is not meant to imply that chemical control is the only tool available for controlling invasive weeds in proximity to this species. We have however revised this sentence in the Final CCP (Chapter 3, Section 3.3.5.1) to address the need to support effective physical and chemical weed control techniques for this species.

- *The description of current use under Alternative A, Section B, mentions unauthorized off-road vehicle use occurring within the Otay Mesa and Lakes area, but makes no mention of such unauthorized use in the McGinty Mountain area. To give a broader context to this problem, people with off-road vehicles have in the past used the abandoned sand mining lands and Sycuan tribal controlled lands for their illegal and unregulated dangerous activities.*

The issue of illegal off-road vehicle access in the Sloane Canyon area has been added to the discussion of existing conditions in the Final CCP. In addition, we have added a strategy under Objective 3.2 (Coordinated Land Management) that addresses the need for coordinated actions by public agencies, land managers, and private landowners to control, monitor, and enforce regulations related to illegal off-road vehicle access on and through conserved and/or private lands.

- *The historical section discusses changes in land owners the establishment of reservations, especially those adjacent to Refuge lands.*

The discussion of actions and events that occurred outside of the Refuge boundaries, although of interest to the public and the Service, does not affect current Refuge management. As a result the history of the establishment of reservations in the area is not addressed in the document. The draft CCP/EA and the Final CCP do however acknowledge the proximity of tribal lands to the Refuge, and the ongoing discussions the Service is having with the Sycuan Band of the Kumeyaay Nation and the Kumeyaay-Diegueno Land Conservancy Tribe regarding potential access to the Refuge in the McGinty Mountain area.

- *The Land Protection Plan and acquisition boundary for the Otay-Sweetwater Unit should be updated to clearly reflect the 2014 Sycuan Indian Reservation boundaries and the exclusion of tribal lands as a potential future acquisition area.*

The Land Protection Plan and acquisition boundary are not being amended as a part of the current action. The only purpose of the acquisition boundary is to define areas that could be purchased for inclusion in the Refuge, if we identified a willing seller and had the funding to make the purchase. The Service land protection policy is to acquire land only when other protective means are not appropriate, available, or effective. There are numerous parcels within the acquisition boundary that will never be incorporated into the Refuge boundary, some are being conserved by other entities and others will be developed or otherwise retained for purposes other than conservation.

We have revised Figure 4-21 in the Final CCP to reflect the current boundaries of the Sycuan Indian Reservation.

- *Revise the definition of Federal Trust Resources in Appendix M to include the protection of cultural resources and list the applicable federal laws and regulations.*

When the Service uses the term "trust resources," we are talking about the Service's responsibilities as defined by legislation, treaty, or similar authority as they relate to natural resources. Congress has charged the Secretary of the Interior with responsibilities for the management of certain fish and wildlife resources (e.g., endangered and threatened species, migratory birds, certain marine mammals, certain aspects of the management of some fish). The Service has not officially defined the term Federal Trust Resources in agency guidance.

The Service's use of the term "trust resources" includes but goes beyond certain explicit trust responsibilities, such as the Federal government's fiduciary responsibility for Indian trust resources and the Secretary of the Interior's responsibility to act as trustee for certain resources in litigation under environmental restoration statutes. These "trust responsibilities" require the Service to conduct certain activities. Trust resources, however, are broader. In the area of interjurisdictional fisheries, listed species, and migratory birds, the Service considers "trust resources" to include those fish and wildlife resources for which the Service has particular or shared responsibilities under various authorities (e.g., Fish and Wildlife Act, Endangered Species Act, Migratory Bird Conservation Act). The Service shares responsibility for many fish and wildlife resources with other entities working in the context of multiple jurisdictions.

To clarify this term, the Glossary of Terms has been revised as follows:

**USFWS Trust Resources.** These are natural resources that the USFWS has been entrusted with protecting for the benefit of the American people as a result of Federal acts and treaties. Examples are species listed under the Endangered Species Act, migratory birds protected by the Migratory Bird Treaty Act and other international treaties, and native plant or wildlife species found on the Refuge System.

The definition of cultural resources has also been expanded to include a reference to the applicable Federal laws and Executive Orders.

- *The Glossary of Terms should include a definition for "Cultural Landscapes" that recognizes the essence of place and "Traditional Ecological Knowledge."*

These terms were not included in the Glossary of Terms because they were not used in the draft CCP/EA. We have however added a strategy to the Final CCP that includes the term "cultural landscape," therefore cultural landscape, as defined by Birnbaum (1994)<sup>37</sup>, is now included in the glossary of terms for the Final CCP.

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<sup>37</sup> Birnbaum, C.A. 1994. Preservation Brief 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes. National Park Service. (<https://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm>).

- *We question the report analyses of cultural resource significance based on the California Environmental Quality Act (CEQA) rather than the National Environmental Protection Act (NEPA). The Refuge is a federal agency rather than a state agency. In addition, the report does not list CEQA in the table of applicable laws or in the index of terms.*

Cultural significance has been analyzed in accordance with all applicable Federal laws and regulations, including NEPA and those related to the protection of cultural resources. The impact analysis is not intended to evaluate significance in accordance with CEQA. To avoid confusion, the term “significance” as been replaced with “adverse” in the final document.

- *The Refuge should revise the Request for Cultural Resource Compliance Form to include documentation of “How the Agency consulted with Tribe(s) and Tribal Organizations with Local Knowledge?” Also, the Environmental and Cultural Settings” section should be expanded and developed in consultation with tribal representatives.*

The Request for Cultural Resources Compliance (RCRC) Form is an internal form used by the Refuge Manager to initiate cultural resource review by the Service’s Regional Historic Preservation Officer (RHPO). It provides the RHPO with basic information about the proposed undertaking to ensure early involvement of the RHPO in the project planning process. Further, this notification process is intended to ensure full consideration of any measures that may be required to protect cultural resources. It also triggers initiation of the National Historic Preservation Act review and Tribal notification processes.

- *The Cultural Resources section should be updated to more accurately represent the prehistoric and historic past of the area, the lay of the land, and the important location of the Refuge. In addition, the section should acknowledge that the Kumeyaay do not recognize the separation of time into archaic, prehistoric and historic; the prehistoric and historic sections should include a Kumeyaay perspective based on the work of Shippek, Carrico, Connolly, and others; the first settlers were not Spanish and acknowledge the existence of the Kumeyaay from the beginning of time; agricultural activities overview starts with the Spanish rather than Kumeyaay land management techniques; the roads and infrastructure discussion starts with historic wagon trails rather than Indian trails that are clearly visible on old land office maps; the historical section discusses changes in land ownership but no reference to the establishment of reservations, especially adjacent to the Refuge are provided; and the term “ethnohistoric Kumeyaay” should be defined.*

The Cultural Resources section has been updated in the Final CCP (see Section 4.4 of the Final CCP).

### **Z-3 – Memorializing comments and recommendations**

- *The comments and recommendations conveyed by this correspondence should be memorialized in the Final CCP.*

As described in the introduction to these Responses to Comments, because of the number of comments received (in excess of 35,000), the comments have been assembled into various topics, with excerpts from letters provided. All comments are however included as part of the public record and can be obtained from the San Diego NWR Complex office on a CD upon request.

## AA. Comments related to the Alternatives

### AA-1 – None of the Alternatives are acceptable

- *None of the alternatives provide an acceptable trail network to the trail users that surround the San Diego NWR. The currently proposed alternatives compress all, or most, trail users onto an overly limited multi-use trail.*
- *We urge you to NOT select Alternatives A, B, C, or D. The plan should be re-evaluated to come up with other alternatives. If I HAVE to select one, it would have to be A (Do Nothing).*
- *Meet with local representatives from the community and user groups and develop alternatives that utilize the best of their recommendations while, at the same time, are consistent with federal mandates.*
- *I have read the proposed plans A thru D and find the "preferred plan" to be unacceptable. This proposed plan eliminates accessibility and availability to a broad spectrum of current wildlife refuge users, particularly equestrians, hikers, and bikers. These current users are the stewards of this land and the support base of the refuge system. The proposed plan condenses users to an unreasonable amount of trails and access points.*
- *We are opposed to any of the alternatives, including Alternative D. Even Alternative A, "the no action" alternative is not acceptable as it too involves closing trails without input from local planning and user groups. We are aware that there are unauthorized trails that have caused erosion, which may need to be closed or consolidated, however, the trail system should not be reduced to a mere 20 miles of trails which will result in over-use.*
- *I have read the proposed plans A thru D and find the "preferred plan" to be unacceptable. This proposed plan eliminates accessibility and availability to a broad spectrum of current wildlife refuge users, particularly equestrians, hikers, and bikers. These current users are the stewards of this land and the support base of the refuge system. The proposed plan condenses users to an unreasonable amount of trails and access points.*
- *I believe that all the Alternatives presented are too restrictive (USF&W has stated that they will close trails even under the No Action (Alt. A)). This restrictive policy will result in over-usage of any "approved trail and the creation of "Outlaw" trails. A complete, extensive and environmentally sensitive trail system can be created.*

Comments noted. As described in Responses I-1, I-3.1, I-3.2, I-4, we have developed a trail plan that takes into consideration the comments and suggestions provided at public meetings held during the public review period, including the four meetings held in various locations to seek trail user input; written comments received during the public review period; and our observations of existing conditions out on the land during extensive on-site surveys of the various trail proposals identified on aerial photographs by trail users at the public trail meetings. The final trail plan takes into consideration our Federal mandates for protecting trust species, agreements made with local agencies to participate in the implementation of the San Diego MSCP Program, the protection of cultural resources, the protection of water quality, respect for private property rights and adjacent landowners, and the desires of the public to have access to the lands included within the Refuge. We have developed a trail network that allows connections to various areas of the Refuge, as well as connections to other trails where there is legal access to accommodate these connections. The implementation of the trail system will require additional funding and staffing, as well as

volunteers willing to assist in trail maintenance and trail construction that will result in a network of sustainable trails to serve current and future visitors to the Refuge.

## **AA-2 – Comments related to Alternative A (No Action)**

### **AA-2.1 Support for Alternative A (No Action)**

- *I support the No Action.*
- *I support the No Action Alternative, which would continue current management, including monitoring and recovery actions for listed and sensitive species, fire management, and minimizing disturbance associated with public use.*

Comments noted.

### **AA-2.2 The Service should not adopt Alternative A**

- *As part of the Natural Community Conservation Planning (NCCP) programs in San Diego County, hundreds of millions of federal, state, and local funds have been leveraged to protect this hotspot of biodiversity while at the same time providing recreational opportunities for all of southern California. In particular, the San Diego NWR was born from unprecedented cooperation and partnership among federal, state, and local agencies, developers, and private conservation groups as part of the San Diego Multiple Species Conservation Program (MSCP), which has been cited as a model multi-species Habitat Conservation Plan and NCCP plan under the federal and state Endangered Species Acts, respectively. This area of southern San Diego County lies within the largest expanse of undeveloped land in the MSCP planning area and is fundamental to the integrity of the MSCP preserve system. Protection of this area will contribute to the recovery of 22 federally and state-listed species and 52 species covered by the MSCP and maintain a sanctuary of wilderness values at the edge of an urban metropolis. This protection is critical to the legally binding implementing agreements signed by the jurisdictions and wildlife agencies as partners to the MSCP. The San Diego NWR also lies within land identified as part of Las Californias Binational Conservation Initiative, a partnership among CBI, The Nature Conservancy, non-profits in Mexico, and federal and state agencies in both the United States and Mexico. As part of this initiative, over 10,000 acres of land have been conserved in southern San Diego County alone, to protect binational wildlife corridors, protect private inholdings within BLM and Forest Service ownerships, connect MSCP lands to Forest Service lands, ensure integrity of conserved lands from the Pacific Ocean to the Colorado Desert, enhance the effectiveness and efficiency of management and monitoring of endangered and threatened species such as the California gnatcatcher, cactus wren, and dozens of endemic plant species, and improve quality of life for the region by continuing to maintain the wilderness values that we desire. Based on this history, CBI does not support Alternative A*

Comment noted. The Service has selected a modified Alternative D for implementation, as described in the Final CCP. The selected action will preserve important habitats and species, while providing opportunities for compatible uses that we hope will foster stewardship for the lands conserved within the Refuge.

### **AA-2.3 Adopt Alternative A and/or B**

- *Only alternatives A or B are acceptable to me as a conservationist and American taxpayer.*
- *Yes to Alternatives A and B in the San Diego National Wildlife Refuge!!!!*

Comment noted. The Service has selected a modified Alternative D for implementation, as described in the Final CCP.

### **AA-2.4 Alternative A and C are not consistent with Refuge and MSCP purposes**

- *Alternative A and Alternative C do not appear to be consistent with the mission and purposes of the Refuge (or the MSCP) and are inappropriate.*

Comment noted. The selected action is considered consistent with Refuge purposes and the mission of the National Wildlife Refuge System.

## **AA-3 – Comments related to Alternative B**

### **AA-3.1 Support for Alternative B**

- *I would prefer to see some management (option B).*
- *I believe the U.S. Fish and Wildlife Service refuge staff has prepared an appropriate set of alternatives for the public's consideration, and that Alternatives B (and likely D) would meet the mission and purposes of the NWR System.*
- *Alternative B closes off trails that undermine sensitive habitat and pose trespass concerns for properties adjacent to USFW lands.*
- *Alternative B is the only alternative that is truly consistent with the original conservation goals for the MSCP.*
- *In regards to the San Diego NWR CCP, I support Alternative B with a new visitor's center, equestrian, mountain biking, and hiking trails.*
- *The San Diego Chapter of the California Native Plant Society supports Option B, to maximize habitat values and species protection. This is not an issue with hunters, but an issue with the substantial impacts sustained by Refuge lands already, even when they are putatively off limits to all foot and bicycle traffic. We understand the need for hunting areas, but given the level of impacts now, increasing recreational impacts of any sort will likely cause lasting damage.*
- *Why do I support "Alternative B" in all other respects? For these simple reasons: I live in Spring Valley just a few minutes away from the Otay-Sweetwater Unit. I find those protected lands to be one of the most beautiful and inspiring features of the landscape where I live, and I've hiked the trails many times. Part of that beauty is that these hills are usually not sprawling with dogs, shooters and hunters, but quietly preserved for animals and plants to thrive relatively undisturbed.*

Comments noted. The final management plan includes all of the habitat and species management proposals included in Alternative B and includes the feral pig provisions of Alternative D; the public use proposals are however expanded in the final management plan to include an interconnected multiple use trail system and provisions for hunting in a portion of the Otay Mesa and Lakes area of the Refuge.

**AA-3.2 Support for Alternative B with acknowledgement of trail planning in the Otay Ranch Preserve**

- *The City of Chula Vista supports Alt B for its provisions related to conservation, management, monitoring, restoration, reintroduction, range-expansion, scientific research, and general approach to recreation. With regards to public access, the City supports the closure of informal trails and the creation of a consolidated, designated trail system provided the CCP acknowledges the County and City trail planning proposals in the Otay Ranch Preserve.*

Comments noted. With respect to trail planning on lands outside the current Refuge boundary, please refer to the discussion in Response T.

**AA-3.3 Support for Alternative B to control uses in the Sloane Canyon/McGinty Mountain area**

- *We believe the combination of a regulated pedestrian only trail system, in conjunction with the posting of regulatory signs, and the presence of respectful users who access USFW land via an established parking lot that will best aide in minimizing ecologically harmful, unlawful and destructive use of USFW lands and surrounding sensitive habitats throughout Sloane Canyon. It is this combination, found in Alternative B that we believe will help bring an end to the current prevailing attitude held by many visitors that they can go wherever they want, by whatever recreational means they want, at any time they want, and leave behind whatever trash and debris they want.*
- *On balance, Alternative B is the most feasible for the north-eastern region of the McGinty Mountain area in reaching a balance between habitat conservation, respect for neighboring property owners, and allowable public use of USFW wildlife refuge lands. Our ultimate guiding goal in deciding which form of USFW development to support, is the limiting of destructive human activities that we, as "residents of the refuge," see occurring.*

Comments noted. After consideration of a range of issues, as described in previous responses, the final trail plan proposes multiple use trails within the McGinty Mountain area. At present, the only legal access route is from the Jamul Drive parking lot at the south end of McGinty Mountain. We are currently working with adjacent landowners to identify one or more other legal access points into this area. The final trail plan provides a separation between the Refuge's public trails and adjacent private property. Refuge staff will also work with adjacent landowners to address use issues should they arise.

**AA-3.4 Support for Alternative B as modified to include feral pig control**

- *The California Wildlife Foundation supports Alternative B, with the feral pig provisions of Alternative D.*
- *Alternative B should include participation in or initiation of a feral pig control effort throughout Refuge lands, as feral pig eradication is a priority within the County.*



- *The San Diego NWR is unusually fragile due to the depleted landscape that mostly surrounds it, the edge effects it suffers from surrounding development, and the invasive species that have partially degraded it. The San Diego NWR does not have the same resilience and toleration for additional human disturbance as might other lands the Refuge system manages. This is a place where man and woman must tread lightly, or risk the loss of rare and unique values which is this particular Refuge's purpose to perpetuate. We strongly oppose Alternative C, which maximizes recreational and consumptive pursuits. . . The draft Preferred Alternative D, is not supported because it unwisely and unnecessarily sacrifices wildlife values for excessive recreation. At issue are trails, dogs, and hunting. . . In most parameters, EHL supports Alternative B. We support the provisions for conservation, management, monitoring, restoration, reintroduction, range-expansion, groundwater monitoring, acquisition, scientific research, and general approach to recreation. We specifically support the creation of a consolidated, designated trail system and the closure of informal trails so as to focus and manage human activity and leave more of the Refuge undisturbed. However, Alternative D has a stronger approach to feral pigs. It is essential that monitoring and eradication of this invasive species be pursued as aggressively as possible. EHL thus supports Alternative B as modified to include the feral pig provisions of Alternative D.*

Comment noted. Refer also to Response AA-3.1.

#### **AA-3.5 Support for Alternative B modified to address feral pig control and issues related to cultural resources**

- *We support Alternative B with the stipulation that it contain the management plan for feral pigs, provide a more accurate local history, and improved protection and management of Cultural Resources.*

Comment noted. Refer also to Responses AA-3.1 and G-1.

#### **AA-3.6 Support for Alternative B with modifications**

- *We support option B with some other conditions taken from Options C and D, including [applying best practices to address the Gold Spotted Oak borer invasion, controlling wild pigs, minimizing or restricting mountain biking activity on McGinty Mountain, working with other agencies to ensure connections for wildlife movement, acquiring the area between Las Montanas and Mt. Miguel if this parcel becomes available, protecting the area from fire as much as possible, treating only the urban/wild interface area, and making erosion control a priority for areas impacted by fire and old roads.]*

The Final CCP proposes a designated trail system that is intended to direct where public use may occur within the Refuge. Other areas of the Refuge have been set aside for the conservation of listed and sensitive species. Leashed dogs will be permitted on the designated trail system, but this activity will be monitored to ensure compliance. Though there are many published studies documenting deleterious effects of dogs on wildlife, we have concluded that allowing dog-walking on the designated trail system, provided compliance with leash and waste cleanup regulations is occurring, is compatible with Refuge purposes. Opportunities for hunting will be provided in a portion of the Otay Mesa and Lakes area where hunting is already occurring on adjacent State and Federal lands. Monitoring of feral pig activity in the area and the potential future need for control are also included in the final management plan.

## **AA-4 – Comments related to Alternative C**

### **AA-4.1 Support for Alternative C**

- *The Sunnyside Saddle Club is in favor of Alternative C (including the hunting option).*
- *I would like to express my support for Alternatives C and D, with particular emphasis on Alternative C. In my experience, hunters are good stewards of the land on which they hunt, and desire to help maintain the land in a sustainable manner.*
- *We consider Alternative C, which would allow hunting on 800 acres or 7.5% of the Refuge, to be a minimally acceptable level to be considered “enhanced.” The DCCP cites the desirability of disbursing hunters to limit impact on the habitat. We agree with this, and it certainly enhances the hunting experience by preventing any one area from being overhunted. Thus Alternative C would enhance both the habitat and the hunting experience.*
- *I request that Alternative C become the option of choice. It is, essentially, a controlled growth in planned recreational opportunities, and still provides needed environmental protection. We all very much appreciate the work that you do, and we hope Alternative C becomes the recommendation of choice.*
- *SDCWF considers the hunting program specified in Alternative C to be minimally acceptable on the Refuge, and even that does not give hunting the same opportunity for access that is enjoyed by the other priority public uses of the Refuge. Indeed, the Federal Register article cited above states that “These [priority public] uses, which have no priority over each other, include hunting, fishing, wildlife observation, photography, environmental education and interpretation”. Thus hunting deserves the same consideration given to other priority uses in the Refuge.*
- *Hunters and other recreational users have shared the nearby Hollenbeck Canyon Wildlife Area for several years without incident, and shared use is the norm in the National Forests (land of many uses). We insist that the hunting program in the final plan contain at least as much hunting access as specified in Alternative C. We do not want to wait another 15 years to see a quality hunting program on the Refuge.*

Comments noted. The final CCP includes many of the components included in Alternative C, but with an updated trail plan for the Refuge and hunting opportunities to be provided in the Otay Mesa and Lakes area of the Refuge. Refer to Responses H-1.1, H-1.4, and I-3 for more information related to the topic of hunting and trails.

### **AA-4.2 Opposition to Alternative C**

- *EHL strongly opposes Alternative C, which maximizes recreational and consumptive pursuits.*
- *After considerable consideration, we do not support Alternative C because of the clear impacts of consumptive and non-consumptive recreational use (and uncontrollable misuse).*

Comment noted. See Response AA-4.1.

#### **AA-4.3 Opposition to the hunting proposals in Alternative C**

- *While we concur with the hunting area proposed in Alternative D, the hunting area proposed in Alternative C presents a safety hazard to residents in the vicinity of the east side of McGinty Mountain and is incompatible with current residential and wildlife observation trail usage.*

Comment noted. The final CCP provides hunting opportunities in the Otay Mesa and Lakes area of the Refuge.

- *Hunting was never anticipated as part of the Otay Ranch GDP or the Otay Ranch Resource Management Plan. The City is concerned that expanding hunting opportunities adjacent to Otay Ranch Preserve Areas (or within future transfer lands) could directly and/or indirectly impact sensitive species and other recreational pursuits. As such, the City does not support this component of Alternative C or D.*

Refer to Responses H-1.25 and T.

#### **AA-5 – Adopt Alternatives C with a step-down plan for hunting**

- *Rather than foreclose almost all of the Refuge to hunting based on a "perceived" conflict, we propose that the hunting program in Alternative C be adopted with any potential conflicts being addressed with your current "step-down" program. For example, it would make sense to restrict hunting to be at least 100 yards from any designated trail and/or no shooting whenever a horse rider was within view. If conflicts between users were reported, further steps could be taken to mitigate these conflicts. The alternate approach, to severely curtail the hunting program such as proposed in Alternative D, would effectively eliminate hunting on the Refuge for at least 15 years.*
- *We are in agreement with the development of a step-down hunt plan as long as it does not result in a de-facto prohibition against hunting. SDCWF would be happy to work with the Refuge management in defining a step-down plan and in educating local hunters about the policies and regulations in that plan, and on the rationale for the plan.*

Comment noted. The final CCP includes many of the components included in Alternative C, but with an updated trail plan for the Refuge and hunting opportunities to be provided in the Otay Mesa and Lakes area of the Refuge. Refer to Response H-1.1 for information regarding why the hunting program identified in Alternative D was selected.

#### **AA-6 – Reject Alternatives C and D; no hunting**

- *Reject Alternatives C and D, do not let animals be slaughtered on the Refuge.*
- *Reject Alternatives C and D that would allow hunting in sensitive areas.*
- *Reject Alternatives C and D which would allow hunting of protected wildlife and other animals.*

Comments noted. Refer to Responses A-3 and H-1.1.

## **AA-7 – Comments related to Alternative D**

### **AA-7.1 Support for Alternative D**

- *As an avid outdoors user I strongly urge that Option D be considered as the newly adopted San Diego NWR CCP. As it looks from the information provided by US fish and Wildlife service option D is the preferred plan that should be implemented.*
- *Since I'm unable to download the details of the four Alternatives, I would like to share my reserved support for your preferred Alternative D. I support restoration and protection of wildlife and ecosystems and understand the necessity to close some trails in order to control erosion.*

Comment noted. The Service has selected a modified Alternative D for implementation, as described in the Final CCP.

### **AA-7.2 Opposition to Alternative D**

- *The draft Preferred Alternative D is not supported because it unwisely and unnecessarily sacrifices wildlife values for excessive recreation. At issue are trails, dogs, and hunting.*

Comment noted. Refer to Responses H-1.1, H-1.7, I-3.1, I-9, and K-1.

### **AA-7.3 Opposition to the hunting component of Alternative D**

- *Plan "D" gives preferential treatment to hunting activities, who by the report's admission, "tramples off trails with hunting dogs" intent on ending the lives of wildlife. Meanwhile the agency expresses great concern for erosion caused by horse hooves on currently used trails. This is not a balanced approach to managing our refuge lands. Instead it gives preferential treatment to hunting thus eliminating all other activities. Hikers, bikers and equestrian use of already established trails has far less environmental impact than hunter off trail activity.*

Alternative D only proposes hunting in the Otay Mesa and Lakes area of the Refuge, where hunting is already permitted on the adjoining public lands. Multiple use trails will be provided through much of the remainder of the Refuge.

### **AA-7.4 Proposals for hunting in Alternative D are too limited**

- *Regarding Alternative D, we remain opposed to adopting such a limited hunting on the Refuge. By any measure, including allowing hunting on only 1% of the Refuge, hunting has been assigned a lower priority than other uses. The only Alternative that gives anything near an equal priority to hunting is Alternative C.*
- *Preferred Alternative D allows hunting on 160 acres within the 11,537 acres of the Refuge; this amounts to 1.4% of the refuge and would contribute only 0.03% to the North American Model for Wildlife Conservations' goal for enhanced hunting opportunities.*

- *The DCCP concludes that the proposed hunt program on the Refuge will provide high quality, safe, and cost-effective hunting opportunities. Limiting hunting to a 160 acre parcel located far from any reasonable access will not result in a quality hunt. The DCCP indicates that access will be provided via CDFW and BLM lands. However, there is no convenient access to the CDFW lands mentioned, and access from BLM lands is via a long, unmaintained dirt road, followed by a one-mile cross-country hike over broken terrain. If one were quail hunting with a dog, this entire area could be covered in a few hours. This area will not support more than one hunter using it a few times a week. The quality of this hunt would not justify the effort to access it.*
- *Alternative D is unacceptable in providing opportunities for the priority public use of hunting because it ignores the policy guidance from higher authority; includes a hunting component which fails to provide an enhanced, quality hunting opportunity; restricts hunting to a miniscule part of the Refuge; does not recognize the importance of the hunting community in supporting Refuges; and will discourage that support by the local hunting community.*

A discussion of the considerations that were made in determining where to permit hunting within the Refuge is provided in Responses H-1.1 and H-1.4.

#### **AA-7.5 Alternative D would meet Refuge purposes**

- *I believe the US Fish and Wildlife Service refuge staff has prepared an appropriate set of alternatives for the public's consideration, and that Alternatives and likely Alternative D would meet the mission and purposes of the NWR System.*

Comment noted. The Service has selected a modified Alternative D for implementation, as described in the Final CCP.

#### **AA-8 – Other comments related to alternatives**

- *I support the alternative with the least hunting and the most habitat restoration.*
- *The Foundation supports the laudable conservation, restoration, and biological management actions that are common to each of the alternatives.*

Comments noted.

- *Be more specific – what other “action” alternatives have you evaluated.*

The three action alternatives evaluated in the draft CCP/EA were described in detail in Chapter 4 of the draft CCP/EA.

#### **BB. Opposition to the draft CCP/EA**

- *The JDCPG most strongly opposes the current CCP/EA and would strongly recommend that the CCP/EA address the adverse environmental impacts to the community. In addition, JDCPG would actively oppose any further land acquisition by F&W, as further Refuge expansion would be incompatible with our community.*

Revisions to the trail plan have been made in response to comments provided by the community. Please refer to the preceding responses for specific details.

## CC. Other Comments

### CC-1 – Comments Related to Effective Meetings, Information, and other Public Involvement

- *We are pleased that the Service extended the length of the comment period, and scheduled additional public meetings to receive community input from the Jamul and Dehesa areas.*

Comment noted.

- *I attempted to educate myself; however, the links provided on your website are broken and I can't seem to pull up any of the text.*

The problem with the website was corrected upon receipt of this email. Those with difficulty downloading the document were offered electronic versions (CDs).

### CC-2 – Public Distrust

- *I've experienced firsthand when you guys come in and close trails. I also know that by the time you get to this stage, it's generally already shoved down our throats and you're going to do what you want to do and we're going to suffer the consequences.*

As a result of the comments provided during the public comment period and during four trail-specific public meetings, changes were made to our original trail proposals, additional trails were added, and coordination with other entities is underway to improve access onto the Refuge. Refer also to the responses provided in Section I.

### CC-3 – Comments Related to Casino planning in Jamul

- *It seems contrary to your motto to grant an easement to a contractor for a construction project on any preserve land. The granting of an easement on Public Lands for a commercial enterprise is contrary to your mission. You are denying access to the preserve to the people who fund, protect and use this land properly but you are quite willing to grant access to a casino project that will only bring pollution of every kind, crime and they will surely trash the area with no concern for any of the surrounding area.*
- *I understand FWS recently deeded a portion of the Wildlife Preserve to the Jamul Indians to assist in the development of a casino.*

Refuge lands are not located adjacent to lands owned by the Jamul Indian Village and no easements were granted by the Service for this project. The wildlife preserve located adjacent to the casino is owned and managed by the California Department of Fish and Wildlife, not the U.S. Fish and Wildlife Service. Confusion about this may be due to San Diego NWR's administrative office being collocated with CDFW at the Rancho Jamul Ecological Reserve and the similar-sounding agency names.