

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Evergreen Nursery Major Use Permit
PDS2012-3300-12-009
APN 396-070-07, 396-100-38

August 28, 2014

I. Introduction

The proposed project is Major Use Permit wholesale and retail sales of nursery stock and related products including soil amendments, topsoils, potting soil, and garden wares from the existing wholesale nursery. The project also includes a green waste facility. The Major Use Permit boundaries include only a portion of the 48.08 acre project site. The proposed project is located within the Community of Lakeside within unincorporated San Diego County. The project is located within the Metro-Lakeside-Jamul Area of the Multiple Species Conservation Plan (MSCP). The project is not located within the Pre-Approved Mitigation Area (PAMA). The entire project site supports 3.70 acres of non-native grassland and 4.91 acres of Diegan coastal sage scrub. An unnamed drainage runs along the northwestern boundary of the property along Blossom Valley Road. The project would impact 2.05 acres of Diegan coastal sage scrub. The remainder of the habitat is located outside of the Major Use Permit boundaries and would be unaffected by the proposed project. In addition, the Major Use Permit boundaries are set back a minimum of 50-feet from the unnamed drainage to avoid impacts to that resource. Impacts resulting from the project will be mitigated through the off-site purchase and preservation of 2.05 acres of Tier II habitat.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Southern coast live oak riparian forest	I	4.70	0.0	N/A	N/A
Diegan coastal sage scrub	II	4.91	2.05	1:1	2.05
Non-native grassland	III	3.70	0.0	N/A	N/A
Intensive Agriculture	IV	31.02	31.02	N/A	N/A
Disturbed	IV	3.75	1.45	N/A	N/A
Total:	--	48.08	34.52	--	2.05

The findings contained within this document are based on County records, staff field site visits and the Biological Study Report prepared by Brian F. Smith and Associates, Inc., dated December 2013. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The site is not shown as PAMA.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The site does not support sensitive species and is not adjacent to PAMA.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or

b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California

**gnatcatcher, MSCP Resource Document Volume II, Appendix A-7
(Attachment I of the BMO.)**

While the project site contains an unnamed drainage along the northwestern boundary of the property along Blossom Valley Road, the project site is not part of a regional linkage or corridor.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The northeastern portion of the site is shown as very high on the Habitat Evaluation Model; however, this portion of the site is not included in the Major Use Permit boundaries and has therefore been avoided by design. The remainder of the site is shown as agriculture, low and medium on the Habitat Evaluation Model.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is not located within a block of habitat greater than 500 acres.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. Gabbroic rock;**
 - b. Metavolcanic rock;**
 - c. Clay;**
 - d. Coastal sandstone**

The project site does not contain a high number of sensitive species, is not adjacent to undisturbed habitats, and does not contain a soil type known to support sensitive species.

- B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

The mitigation shall occur off-site either in an approved mitigation bank or another site qualifying as a BRCA.

III. Biological Mitigation Ordinance Findings

- A. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project does not propose impacts to Critical Populations of Sensitive Plant Species, Significant Populations of Narrow Endemic Animal Species, Narrow Endemic Plant Species, Sensitive Plants, or a Biological Resource Core Area. Therefore, the Project Design Criteria Findings do not apply.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The project is not located within PAMA or Preserve land. Therefore, the Preserve Design Criteria do not apply.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The site is not located within a regional linkage or corridor. While the project site contains an unnamed drainage along the northwestern boundary of the property along Blossom Valley Road, which may contribute to local wildlife movement, this area is avoided by project design as it is outside of the Major Use Permit boundaries.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The project site contains an unnamed drainage along the northwestern boundary of the property along Blossom Valley Road. The drainage is avoided by project design as it is outside of the Major Use Permit boundaries. The project has maintained a minimum 50-foot setback from the drainage and therefore there will be no wetland impacts and therefore no net loss of wetlands.

- 2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The site does not support any unique habitats or habitat features. The loss of 2.05 acres of Diegan coastal sage scrub will be mitigated by the preservation of 2.05 acres of Tier II or higher tier habitat within a County-approved mitigation bank.

- 3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project does not propose to impact or conserve areas of high value habitat. The proposed project will result in the loss of 2.05 acres of Diegan coastal sage scrub, which was mapped as low and moderate by the habitat evaluation model. The purchase of habitat credits within a County-approved mitigation bank will contribute to the conservation of higher value habitats within the MSCP area.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The Diegan coastal sage scrub onsite will continue to be heavily impacted by edge effects from existing onsite uses and surrounding development. Onsite conservation of habitat as part of the proposed project would only create a smaller block of habitat lacking connectivity to other blocks of habitat. Offsite mitigation as proposed by the project will facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

- 5. The project provides for the development of the least sensitive habitat areas.**

The project will impact the entire area within the Major Use Permit boundaries, consisting of 2.05 acre of Diegan coastal sage scrub, 29.95 acres of intensive agriculture and 3.75 acre of disturbed land. Diegan coastal sage scrub is considered sensitive within the MSCP. The habitat is fragmented and has minimal value for long-term conservation of sensitive plants or wildlife. Therefore, the development of this site is not considered an impact to sensitive habitat.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

No threatened, endangered, narrow endemic species were detected on the project site. Developing the site will not eliminate highly sensitive habitat or impact key populations of covered species.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The site is small and not located within a large interconnecting block of habitat; however, all mitigation will occur off-site in a BRCA, which should contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

The site does not support critical populations or narrow endemics

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project will not jeopardize the assembly of a preserve system because the site is not designated as PAMA or Preserve and does not qualify as a BRCA. The project site is not within an area of regional significance with regard to conservation of sensitive species and habitats. Developing the site will not hinder possible preserve systems.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The site does not propose onsite preservation of habitat. Proposed offsite mitigation will facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

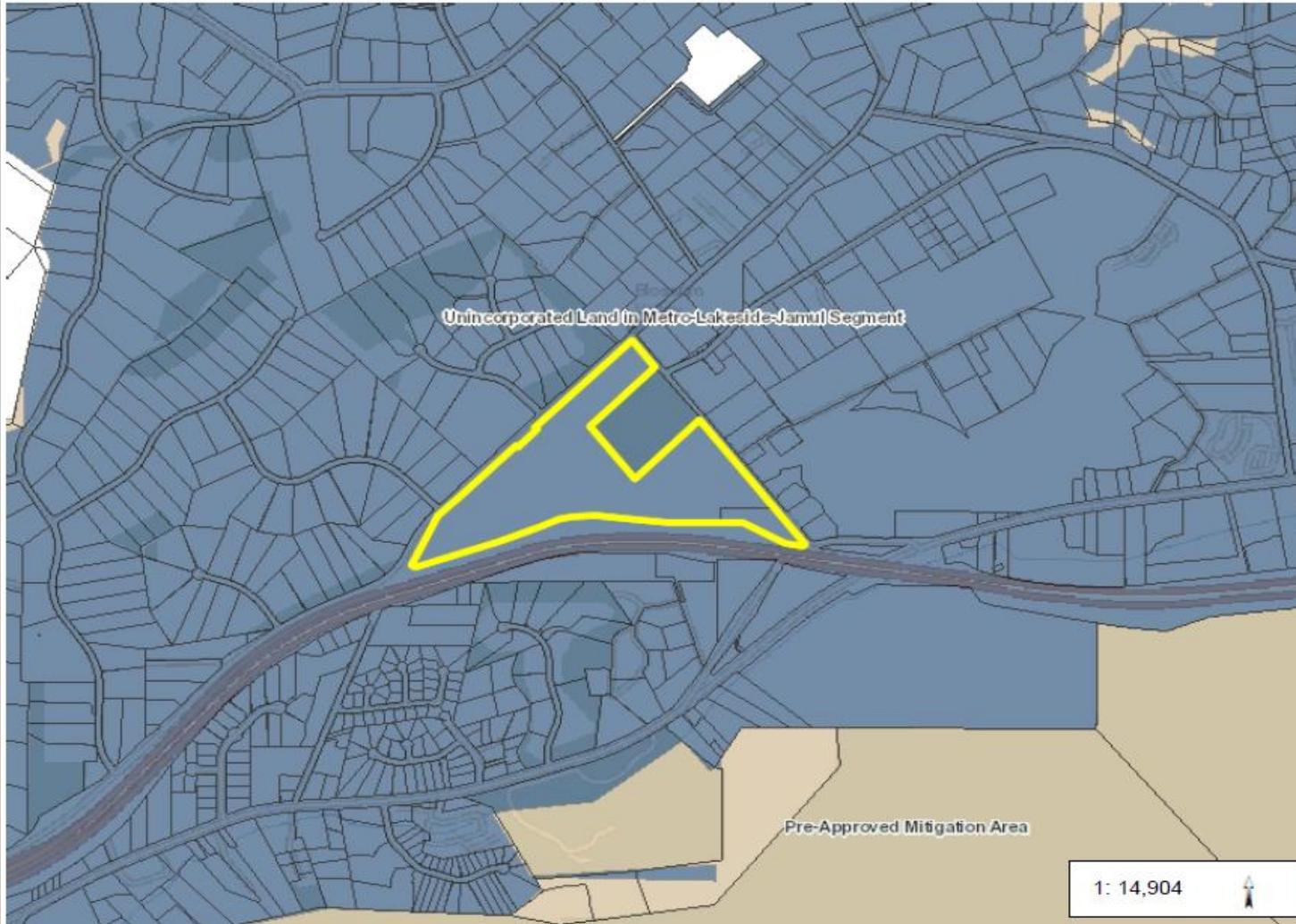
- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site is not within a Biological Resource Core Area. The project would result in impacts to 2.05 acre of Diegan coastal sage scrub, 29.95 acres of intensive agriculture and 3.75 acre of disturbed land. Diegan coastal sage scrub is a Tier II habitat which is considered sensitive within the MSCP. However, developing the site is not considered a significant impact to sensitive habitat because the small amount of habitat on site is surrounded by residential development and Interstate 8. There were no threatened, endangered or narrow endemic species detected onsite. No significant populations of sensitive species are expected to reside on the property due to its disturbed condition and the surrounding land uses. The project site as a whole is not considered sensitive, nor are there any particularly sensitive

resources present. Avoidance is therefore not necessary and project related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

Ashley Gungle, Planning & Development Services
August 28, 2014

Evergreen Nursery Major Use Permit



Legend

- Parcels
- Multiple Species Conservation County)**
 - State and Federal Pre-Approved M
 - Hardline Preserve
 - Take Authorized Area
 - Conserved Subject to Agreement w
 - Otay Ranch Areas Where no Take
 - Major Amendment Area
 - Minor Amendment Area
 - Minor Amendment Area Subject to
 - Santa Fe Valley Sensitive Biologica Areas
 - Golf Course Related Development, Open Space II Areas
 - Unincorporated Land in Metro-Lake

1: 14,904

0.5 0 0.24 0.5 Miles

NAD_1983_StatePlane_California_VI_FIPS_0406_Feet
Planning and Development Services

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes