MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Lake Jennings Park Road Subdivision
PDS2013-TM-5578, PDS2013-ER-13-14-006
APN (s) 395-220-11-00

September 16, 2015

I. Introduction

The project is a major subdivision to divide a 5.17-acre property into 20 lots: 18 residential lots and two private road lots. The project site is located at the northeast corner of Blossom Valley Road and Lake Jennings Park Road in the Lakeside Plan Area. Access to the site would be provided by a private road onto Jennings Vista Drive. Water and Sewer would be provided by the Helix Water District and the San Diego County Sanitation District. Earthwork will consist of 8,800 cubic yards of balanced cut and fill.

Biological resources on the project site were evaluated in a Biological Letter Report prepared by REC Consultants, dated July 21, 2014. The site contains non-native grassland, coastal sage scrub, disturbed wetland, ornamental vegetation, and disturbed land. Coastal western whiptail was the only sensitive wildlife species identified on-site. The site has moderate potential to support red-shouldered hawk, Cooper's hawk, orangethroat whiptail, barn owl, sharp-shinned hawk, western bluebird, and western yellow bat. No sensitive plant species were identified onsite, and the only sensitive plant with a moderate potential to occur on-site is the San Diego sunflower, a San Diego County List D sensitive species. The project will impact 3.9 acres of non-native grassland, 0.1 acre of coastal sage scrub, and 0.06 acre of disturbed wetland. The habitat impact will impact potential raptor foraging habitat. In addition, if grading were to occur during the bird breeding season, impacts could occur. The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal.

Project impacts to sensitive habitat and sensitive species will be mitigated through ordinance compliance and through implementation of the following mitigation measures: preservation of 2.1 acres of Tier III habitat, 0.2 acre of Tier II habitat, and 0.06 acre of wetland within an approved mitigation bank or BRCA in the MSCP, and breeding season avoidance between February 1 and August 31.

The project site contains 0.06 acre of disturbed wetland, which originates from a culvert that drains the channels runoff from the adjacent housing development to the east of the site. A review of historic aerial photos shows that the wetland area did not appear on the site until the subdivision on the east side was built. The classification as wetland was based on the presence of hydric soil, willows and mulefat, but the dominant species are non-native trees and understory plants. The disturbed wetland was determined not to meet the RPO wetland definition because it is caused by a man-made structure (the culvert) and meets the criteria in RPO section 86.602(q)(2)(aa), as

explained in Attachment 4 of the Jurisdictional Delineation Report (Appendix F of the Biological Letter Report prepared by REC Consultants). The Jurisdictional Delineation Report also found that the disturbed wetland also does not qualify as Federal or State jurisdictional waters; however, subsequent feedback from the Army Corps of Engineers indicates that the project would impact 280 linear feet (0.01 acre) of non-wetland jurisdictional waters. Therefore, the project will be conditioned to get permits from ACOE and RWQCB.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Non-Native Grassland	III	3.9	4.1	0.5:1	2.1
Coastal Sage Scrub	II	0.1	0.2	1:1	0.2
Disturbed Wetland	I	0.06	0.06	1:1	0.06
Disturbed land	IV	0.7	0.8		
Ornamental	IV	0.4	0.45		
Total:	--	5.16	5.61	--	2.36

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report prepared by REC Consultants, dated July 21, 2014. 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 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.)**

   The site is surrounded by residential development to the west, north, and east, and by Blossom Valley Road and the I-8 freeway to the south. The site does not support topography that allows for the movement of animals on a regional scale, and is not located within a primary linkage/corridor between northern and southern populations of California gnatcatcher. The Lakeside Archipelago, which is considered a primary north-south linkage, is located to the west of this project site.

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 site is shown as moderate habitat value on the Habitat Evaluation Map.

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 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

No sensitive plant species were observed on-site, and the soils are Escondido very fine sandy loam, 9 to 30 percent slopes, eroded.

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

The project has been conditioned to mitigate within an approved mitigation bank or 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.

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.

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 project site is not located within a regional linkage and does not support local corridors.

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 disturbed wetland on the project site does not qualify as RPO wetland or meet the State or Federal wetland definition, and thus the no-net-loss-of-wetlands policy does not apply. However, the project is conditioned to mitigate with wetland enhancement at a 1:1 ratio for impacts to 0.06 acre of disturbed wetland. In addition, the project is conditioned to obtain permits from the ACOE and RWQCB for impacts to 0.01 acre of non-wetland jurisdictional waters.

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

   The project will maximize habitat structural diversity of conserved habitat by providing off-site mitigation within an approved mitigation bank or BRCA, which will have higher habitat value and better connectivity than the impact site.

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 site does not contain extensive patches of Coastal sage scrub and other habitat types ranked high or very high. Therefore, the project is conditioned to mitigate off-site in an approved mitigation bank or BRCA.

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 project will provide for the creation of significant blocks of habitat by mitigating off-site in an approved mitigation bank or BRCA.

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

   Although the project site contains habitat types that are considered sensitive, none of the on-site habitats are sensitive enough to merit on-site preservation; therefore, the project is conditioned to mitigate off-site in an approved mitigation bank or BRCA.

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.**

   The project site does not support key regional populations of covered species. The Project will contribute to the conservation of regional populations of covered species and sensitive habitats by mitigating off-site in an approved mitigation bank or BRCA.

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 not located within large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators; however, the project is conditioned to mitigate in an approved mitigation bank or BRCA.

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 sensitive plant species.

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 possible or probable assembly of a preserve system because the project site is not mapped as PAMA or Preserve, is not adjacent to PAMA or Preserve, does not support sensitive plant species, and is not located along a wildlife corridor or linkage. Therefore, it is most appropriate to impact the entire site and mitigate within an approved mitigation bank or BRCA.

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

    The project does not propose to count on-site preservation toward its mitigation responsibility.

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 will not impact a BRCA or sensitive plants. Because the entire site will be impacted, impacts to the coastal western whiptail and additional animal species with potential to occur would be mitigated through off-site preservation in an approved mitigation bank or PAMA. The project will preserve 2.1 acres of non-native grassland/Tier III habitat, 0.2 acre of coastal sage scrub/Tier II habitat, and 0.06 acre of wetland. The project is conditioned to avoid grading during the avian breeding season, February 1 through August 31, to avoid impacting nesting or breeding birds. Finally, the project is conditioned to obtain wetland permits or documentation that permits are not required. Therefore, every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO

Beth Ehsan, Planning & Development Services

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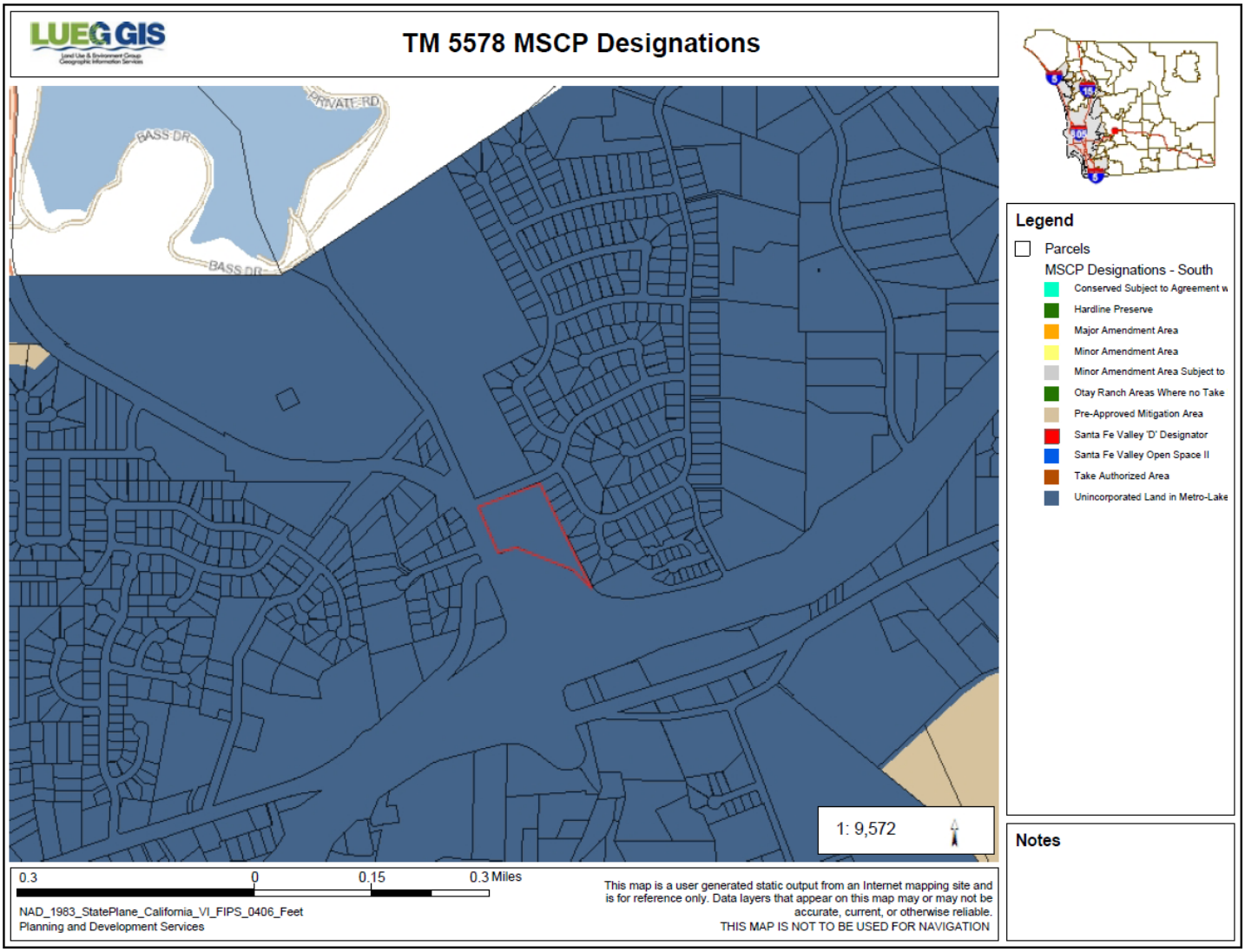
MSCP Designation For
Lake Jennings Park Road TM 5578