

Section 2.2

Biological Resources

This section describes the general biological conditions in the County and pertinent regulations that govern biological resources, and discusses the potential for impacts on biological resources as a result of project implementation.

2.2.1 Existing Conditions

The landscape of the County is diverse with broad, flat valleys; deep canyons; perennially flowing rivers; intermittent and ephemeral drainages; moderately and steeply sloped terrain; flat mesas; rolling foothills; and a series of coastal lagoons. The County includes varied topography; a range of micro-climates, soils, and other natural features; and numerous habitats and species, many of which are unique to the region. The development of urban, rural, and agricultural areas, as well as the influx of invasive plants and species, have posed a threat to the conservation of the County's native habitat and endemic species.

The majority of the project area is located in the western portion of the County, surrounding the incorporated areas. The existing condition throughout much of the project area consists of estate residential and agricultural uses located in valley, mesa, and foothill terrain. Farther east, the land is less developed, with the largest developed area in the eastern portion of the project area being the community of Borrego Springs. The areas that have been developed in the eastern portion of the County are predominantly rural, with large lots for residential, agricultural or related uses, and limited infrastructure and service availability.

2.2.1.1 Vegetation Communities

For the purpose of this document, the multiple vegetation types within the project area have been combined into three vegetation community categories, which are described below (see Figure 2.2-1).

Scrub and Chaparral

Scrub and chaparral is one of the most widespread vegetation community categories in the project area. This vegetation community category comprises 42 individual vegetation communities, such as coastal scrub, Sonoran desert scrub, southern mixed chaparral, northern mixed chaparral, coastal sage-chaparral scrub, chamise chaparral, Diegan coastal sage scrub, and Riversidian sage scrub. General descriptions of the scrub and chaparral communities are provided below.

Scrub

Diegan coastal sage scrub is the dominant type of scrub community in the County and provides habitat for the sensitive coastal California gnatcatcher (*Polioptila californica californica*). There are several different types of Diegan coastal sage scrub throughout the County, including Diegan coastal scrub, Diegan coastal sage scrub (coastal form), Diegan coastal sage scrub (inland form), and Diegan coastal scrub (Baccharis-dominated). Diegan coastal sage scrub consists predominantly of low-growing, aromatic, and generally soft-leaved shrubs. Diegan coastal sage scrub is a native plant community characterized by soft, low, aromatic, shrubs and subshrubs characteristically dominated

by drought-deciduous species. This community typically occurs on sites with low moisture availability, such as dry slopes and clay-rich soils that are slow to release stored water. The representative species in this habitat type are California sagebrush (*Artemisia californica*), flat-topped (California) buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), saw-tooth goldenbush (*Hazardia squarrosa*), and laurel sumac (*Malosma laurina*) (Oberbauer et al. 2008).

Riversidean sage scrub has similar species as Diegan coastal sage scrub, but it occurs more inland in the northern part of the County and on steep slopes, severely drained soils, or clays that slowly release stored soils moisture. Representative species include several of the shrub species listed above, as well as fourwing saltbrush (*Atriplex canescens*), brittlebrush (*Encelia farinosa*), deerweed (*Acmispon glaber*), and Lord's candle (*Hesperoyucca whipplei*) (Oberbauer et al. 2008).

Coastal California gnatcatcher, California towhee (*Melospiza crissalis*), white crowned sparrow (*Zonotrichia leucophrys*), rufous-crowned sparrow (*Aimophila ruficeps*), and California thrasher (*Toxostoma redivivum*) are representative birds of the coastal sage scrub communities. Orange-throated whiptail (*Aspidoscelis hyperythra*), San Diego horned lizard (*Phrynosoma blainvillii*), San Diego banded gecko (*Coleonyx variegatus abboti*), desert cottontail (*Sylvilagus audubonii*), and deer mouse (*Peromyscus maniculatus*) also use coastal sage scrub habitats. Coyotes (*Canis latrans*) are common predators in this community, and mule deer (*Odocoileus hemionus*) are occasionally seen. (County of San Diego 2010a).

Chaparral

There are many types of chaparral communities within this classification, including southern mixed chaparral, northern mixed chaparral, chamise chaparral, red shank chaparral, montane chaparral, scrub oak chaparral, and maritime chaparral. The chaparral type at any one location is determined by the dominant soils, elevation, rainfall, and other conditions such as slope and erosion potential. Although various forms of chaparral have been lost to agriculture and urbanization, chaparral still occurs throughout the mesas and slopes of the coastal lowlands within the County. Chaparral is generally composed of hard-stemmed shrubs with leathery leaves that avoid desiccation during the dry season. For example, cismontane chaparrals are characterized by large shrub species such as manzanita (*Arctostaphylos* spp.), chamise (*Adenostoma fasciculatum*), scrub oak (*Quercus dumosa* or *Q. berberidifolia*), mountain mahogany (*Cercocarpus betuloides*), and wild lilac (*Ceanothus* spp.).

Chaparral is home to a wide variety of birds. Spotted towhee (*Pipilo maculatus*), wrenit (*Chamaea fasciata henshawi*), Bell's sparrow (*Artemisiospiza belli*), and California thrasher are representative birds of the chaparral community. A number of reptiles also inhabit this community, including the western whiptail (*Aspidoscelis tigris*), granite spiny lizard (*Sceloporus orcutti*), San Diego horned lizard, and Southern Pacific rattlesnake (*Crotalus oreganus helleri*). In rocky, boulder-strewn terrain on the eastern side of the mountains, barefoot gecko (*Coleonyx switaki*) and chuckwalla (*Sauromalus ater*) live in chaparral. Mammals include a number of species of bats, deer mice, pocket mice (*Chaetodipus fallax*), desert cottontail, coyote, bobcat (*Lynx rufus*), mule deer, and mountain lion (*Puma concolor*) (Oberbauer et al. 2008).

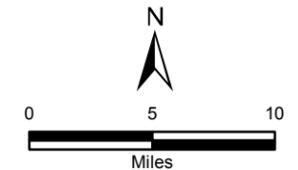
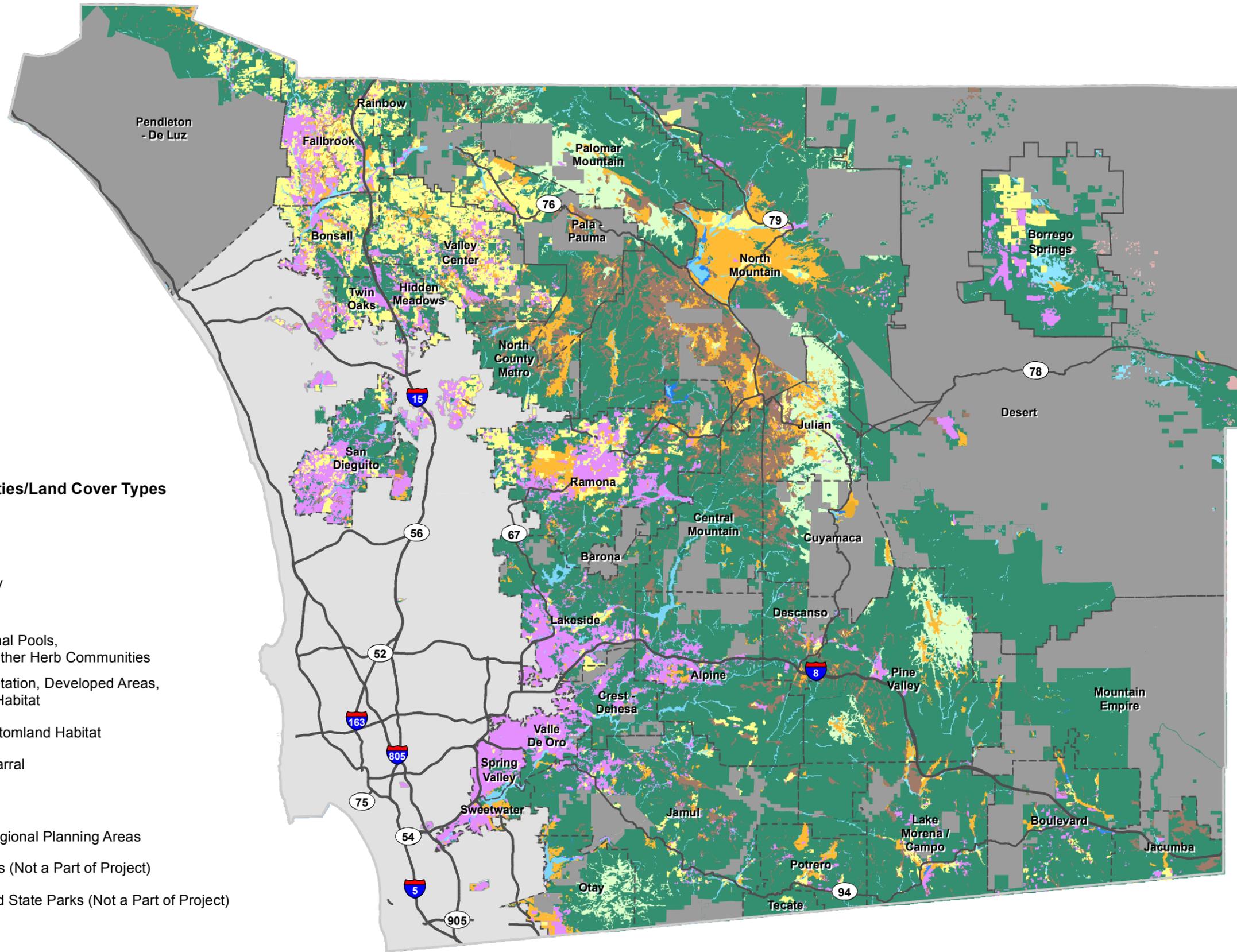
Woodland

Woodlands throughout the County generally include oak woodland (black oak woodland, coast live oak woodland, and Engelmann oak woodland), walnut woodland, peninsular pinon and juniper woodland, peninsular pinon woodland, peninsular juniper woodland and scrub, elephant tree woodland, and eucalyptus woodland. Oak woodlands occur in a variety of locations where soil

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Vegetation Communities/Land Cover Types

- Agriculture
- Bog and Marsh
- Dune Community
- Forest
- Grasslands, Vernal Pools, Meadows, and Other Herb Communities
- Non-Native Vegetation, Developed Areas, or Unvegetated Habitat
- Riparian and Bottomland Habitat
- Scrub and Chaparral
- Woodland
- Community/Subregional Planning Areas
- Incorporated Cities (Not a Part of Project)
- Tribal, Military, and State Parks (Not a Part of Project)
- Freeways
- Highways



Source: Vegetation - SanGIS (2014);
Background Files - SanGIS (2014), BLM (2015).



Figure 2.2-1
Vegetation Communities and Land Cover Types
County of San Diego Agriculture Promotion Program

conditions are moister than the soils that host scrub and chaparral vegetation. In the lowlands, they are mostly confined to stream and canyon bottoms, but in the foothills and mountains they occur in areas with good soil on north- and south-facing slopes. Woodlands create an open canopy and serve as habitat for bird species such as oak titmouse (*Baeolophus inornatus transpositus*), mountain chickadee (*Poecile gambeli baileyae*), Nuttall's woodpecker (*Picoides nuttallii*), northern flicker (*Colaptes auratus*), western scrub-jay (*Aphelocoma californica*), and a variety of flycatchers and owls. Because oak woodlands often occur as linear features along drainages, the mammals that inhabit them are often the same ones that occur in the surrounding chaparral habitat, including coyote, bobcat, spotted skunk (*Spilogale gracilis*), striped skunk (*Mephitis mephitis*), and several species of bats. Shrews and long-tailed weasels (*Mustela frenata*) tend to prefer oak woodland areas that provide more moisture.

Grasslands, Meadows, Vernal Pools, and Other Herb Communities

Grasslands

Grasslands in San Diego are generally divided into two types: native and nonnative. Native grasslands are composed mostly of native perennial grasses and herbs, including several species of bunch grasses (*Stipa* spp.), blue-eyed grass (*Sisyrinchium bellum*), checker-bloom (*Sidalcea malviflora* ssp. *sparsifolia*), and goldenstar (*Bloomeria* spp.). Nonnative grasslands consist of nonnative annual grass species that originated in the Mediterranean region and support species such as foxtail chess (*Bromus madritensis* ssp. *rubens*), ripgut grass (*Bromus diandrus*), wild oats (*Avena* spp.), fescues (*Festuca* spp.), red-stem filaree (*Erodium cicutarium*), mustards (*Brassica* spp.), lupines (*Lupinus* spp.), and goldfields (*Lasthenia* spp.). Due to urbanization and agricultural activities, nonnative annual grasslands have predominantly replaced native grasslands and shrub lands, including coastal sage scrub and chaparral.

Meadows and Seeps

This classification includes montane meadows, alkali meadows and seeps, freshwater seeps, and vernal pools. Naturally occurring meadows exist primarily in the mountains and foothills where they form in areas of fine silty soils with groundwater close to the surface. Foothill valleys, such as Campo Valley, McCain Valley, and the area surrounding Lake Henshaw, support extensive meadows. Laguna Meadow in the Laguna Mountains and the area surrounding Cuyamaca Lake in the Cuyamaca Mountains are examples of montane meadows. Montane meadows are dominated by bunchgrasses (*Agropyron* spp.), sedges (*Carex* spp.), and spikesedges (*Eleocharis* spp.). During spring, they are somewhat boggy and moist, and they remain green long after the herbaceous vegetation of their surroundings has dried. Many of the plants and animals of the deserts rely on water from mountain runoff, and from springs, seeps, meadows, marshes, and other wet areas scattered on the desert floor and the desert slopes of the mountains. Dense vegetation generally surrounds these wet areas, and the temperature is usually cooler than the surrounding arid lands, thus providing wildlife some respite from the dry desert summer heat.

Vernal Pools

Vernal pools are found in grasslands, meadows, and openings in coastal sage scrub; they sit above clay or hardpan subsoils. Vernal pools fill during winter and spring rains and dry during the early summer, which has caused unique assemblages of plant and animal life to have evolved with this wetting and drying regime. Plant and animal species can remain dormant in soils for years until the

right conditions are present to support the completion of their life cycles. Fairy shrimp (*Branchinecta* spp.) hatch from hardened cysts that protect the animal during the dry season and complete their life cycles within a couple of weeks. Other pond animals, such as tadpoles and very small crustaceans, hatch when the pools are full. Plant species characteristic of vernal pools include, but are not limited to, the winged water starwort (*Callitriche marginata*), water pygmyweed (*Crassula aquatica*), annual hairgrass (*Deschampsia danthonioides*), calicoflower (*Downingia cuspidate*), California waterwort (*Elatine californica*), pygmy willowherb (*Epilobium pygmaeum*), Hoover's button-celery (*Eryngium aristulatum*), Howell's quillwort (*Isoetes howellii*), Orcutt's quillwort (*Isoetes orcuttii*), awl-leaf lilaea (*Lilaea scilloides*), hairy waterclover (*Marsilea vestita*), alkali mallow (*Malvella leprosa*), tiny mousetail (*Myosurus minimus*), spreading navarretia (*Navarretia fossalis*), and California Orcutt grass (*Orcuttia californica*).

Forests

Coniferous forests generally occur above an elevation of 3,500 feet and extend across the major mountain ranges, including the Palomar, Volcan, Hotsprings, Cuyamaca, and Laguna Mountains. Conifers generally grow in areas that receive more than 20 inches of precipitation each year, including some snow. Coniferous forests are identified by the presence of one or a number of species of pines including Coulter (*Pinus coulteri*), Jeffrey (*P. jeffreyi*), Pacific ponderosa (*P. ponderosa*), and sugar (*P. lambertiana*). The red-barked incense cedar (*Calocedrus decurrens*) and the Christmas tree-like white fir (*Abies concolor*), commonly mixed with the deciduous California black oak (*Quercus kelloggii*), canyon live oak (*Q. chrysolepis*), and coast live oak (*Q. agrifolia*), also characterize coniferous forests in the County.

Common birds that inhabit coniferous forests include Steller's jay (*Cyanocitta stelleri*), American robin (*Turdus migratorius*), western bluebird (*Sialia mexicana*), black-headed grosbeak (*Pheucticus melanocephalus*), mountain chickadee, oak titmouse (*Baeolophus inornatus*), and a variety of flycatchers. Forest lands provide important habitat for mammals, including southern mule deer, bobcat, bat, and rodent species. Reptiles in coniferous forest include ringneck snake (*Diadophis punctatus*), mountain swift lizards, and mountain king snake (*Lampropeltis zonata*). The brightly colored large-blotched salamander (*Ensatina klauberi*) also occurs within this habitat.

Oak forest represents a community that is found near or blends in with other forest vegetation. Oak forests consist of substantial trees growing in a manner that produces a closed canopy of tree cover, and is characterized by coast live oak, California black oak, and canyon live oak. In many locations, these species grow into massive trees that are hundreds of years old. This habitat is often found adjacent to and intermixes with coniferous forest and oak woodland vegetation. The primary locations for oak forest are the northern end of Palomar Mountain, the slopes and canyons on Hot Springs Mountain, and parts of the Cuyamaca and Laguna Mountain ranges. Animal species found in oak forest include acorn woodpeckers (*Melanerpes formicivorus*), western bluebirds, plain titmouse, and mountain chickadees. Western gray squirrels (*Sciurus griseus*) and Merriam's chipmunks (*Tamias merriami*) are also known to inhabit these forests, as are southern mule deer, bobcats, coyotes, and mountain lions.

Riparian

Riparian vegetation communities include southern coast live oak riparian forest, southern cottonwood-willow riparian forest, southern riparian scrub, southern sycamore-alder riparian woodland, southern willow scrub, desert dry wash woodland, Colorado Desert wash scrub, mule fat scrub, desert sink scrub, Sonoran wash scrub, white alder riparian forest, tamarisk scrub, and

southern arroyo willow riparian forest. Riparian vegetation occurs along rivers, streams, and other drainages in the County. Generally willows (*Salix* spp.), cottonwoods (*Populus* spp.), sycamore (*Platanus racemosa*), or mulefat (*Baccharis salicifolia*) provide the structure of the riparian habitats in the unincorporated County. Oaks (*Quercus agrifolia* and *Q. engelmannii*) are also present in some riparian habitats, such as southern coast live oak riparian forest (County of San Diego 2010a).

Riparian vegetation communities are one of the most sensitive habitats in California and one of the most important vegetation communities for wildlife. The federally endangered least Bell's vireo (*Vireo bellii pusillus*) and southern willow flycatcher (*Empidonax traillii extimus*), as well as the more common yellow-breasted chat (*Icteria virens*) and common yellowthroat (*Geothlypis trichas*), are completely dependent on riparian habitats. Other bird species, such as the American goldfinch (*Carduelis tristis*), yellow warbler (*Dendroica petechia*), and long-eared owl (*Asio otus*), also frequent riparian scrubs and woodlands. Small carnivores that inhabit riparian vegetation include spotted and striped skunks, raccoons (*Procyon lotor*), and bobcats. Riparian vegetation and associated stream courses are critical for a variety of amphibians, including the Pacific tree frog (*Pseudacris regilla*) and the federally endangered arroyo southwestern toad (*Bufo californicus*) that inhabit the water and damp banks of water courses. Silvery legless lizards (*Anniella pulchra pulchra*) live in the leaf litter. During the dry summer months, species from nearby arid terrestrial habitats use the riparian areas for respite from the heat. Riparian vegetation in the desert region includes unusually large mesquite bosque forests in Borrego Valley near the Borrego Sink. Mesquite bosques are dense woodlands of honey mesquite and mesquite trees (*Prosopis glandulosa* var. *torreyana* and *P. pubescens*).

At one time, all of the major riverbeds in the unincorporated County supported extensive areas of riparian forests and woodlands. Examples of riparian vegetation still exist along the major rivers of the County, including the Santa Margarita, San Luis Rey, San Dieguito, San Diego, Sweetwater, and Tijuana Rivers. Riparian vegetation exists along stream and valley bottoms as well as deep canyons in areas where the water table is not far below the soil surface (County of San Diego 2010a).

Bog and Marsh

Marshes are very important for wildlife and have been extensively reduced by channelization, dredging, and development. Most of the marshes in the unincorporated County are freshwater, with alkali marsh in areas where the soil is more alkaline, and saltmarsh directly along the coast. Freshwater marshes are found along rivers and their tributaries, around the edges of water bodies, and also near natural springs and ponded areas within major stream channels. Rushes (*Juncus* spp.), bulrushes (*Scirpus* spp.), and sedges (*Carex* spp. and *Scirpus* spp.) are common, and cattails (*Typha* spp.) are often found in the shallower water near the margins of the freshwater marsh. Arroyo willow (*Salix lasiolepis*), black willow (*S. gooddingii*), and red willow (*S. lasiandra*) are also often found in freshwater marshes. Open water stands in depressions or natural springs, and duckweeds (family: Limnaceae) often form floating mats. Plant species that typify alkali marsh are yerba mansa (*Anemopsis californica*), alkali heath (*Frankenia salina*), and pickleweed (*Salicornia* spp.). Mulefat is found around the margins of freshwater or alkali marsh.

Freshwater marshes support a variety of animal species including the common yellowthroat, redwinged and tricolor blackbirds (*Agelaius phoeniceus* and *A. tricolor*), and several species of egrets, rails (*Rallus* spp.), and migratory shore birds.

Dune

Small areas of active, stabilized, and partly stabilized desert dunes occur in the Borrego Valley in the Desert Subregion. Desert dunes include active desert dunes, stabilized and partially stabilized desert sand fields, and stabilized alkaline dunes. Active desert dunes are barren expanses of actively moving sand. Stabilized and partially stabilized desert sand fields are desert sand accumulations that are not obviously worked into dune landforms. Vegetation varies from scant cover of widely scattered shrubs and herbs to nearly closed shrub canopies.

Wildlife species supported by the dune communities include reptiles such as Colorado Desert fringe-toed lizard (*Uma notata*), western shovel-nose snake (*Chionactis occipitalis annulata*), and Colorado Desert sidewinder (*Crotalus cerastes laterorepens*).

Agriculture

Agriculture is used to define lands that actively support agricultural production. Commercial agricultural operations include orchards, vineyards, dairies, nurseries, chicken ranches, fields, and row crops. Wildlife can be nonexistent within agricultural areas used for commercial row crops, orchards, and vineyards; however, fields and pastures can provide habitat for native small mammals and foraging habitat for raptors, especially northern harriers (*Circus cyaneus*) and red-tailed hawks (*Buteo jamaicensis*).

2.2.1.2 Developed Areas, Nonnative Vegetation, and Unvegetated

Developed

Developed areas, or urban land, consist of all residential, commercial, and industrial developments, and land covered by nonnative vegetation (except grasslands). Most urban types of development provide little habitat for native species, but support several nonnative species, such as rock pigeon (*Columba livia*), European starlings (*Sturnus vulgaris*), house sparrows (*Passer domesticus*), mice, and rats. Native species that exemplify adaptability to urban development include the northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaidura macroura*), house finch (*Carpodacus mexicanus*), black phoebe (*Sayornis nigricans*), opossum (*Didelphis virginiana*), and striped skunk. During the past decade, American crows (*Corvus brachyrhynchos*) have moved into urban areas of the unincorporated County. Migrating songbirds use large stands of ornamental plantings during spring or fall, and some species, such as white-crowned sparrow and cedar waxwing (*Bombycilla cedrorum*), spend the winter in residential neighborhoods of the coastal lowlands. Disturbed land includes areas in which there is sparse vegetative cover and where there is evidence of soil surface disturbance and compaction from previous human activity and/or the presence of building foundations and debris. Vegetation on disturbed land (if present) has a high predominance of nonnative and/or weedy species that are indicators of surface disturbance and soil compaction, such as Russian thistle (*Salsola tragus*), telegraph weed (*Heterotheca grandiflora*), horehound (*Marrubium vulgare*), and sow-thistle (*Sonchus oleraceus*) (County of San Diego 2010a).

Nonnative Vegetation

Nonnative vegetation includes many ornamental plant species such as eucalyptus trees (*Eucalyptus* spp.), which are not native but occur within the County. Eucalyptus trees produce a large amount of leaf and bark litter. The chemical and physical characteristics of this litter limit the ability of other

species to grow in the understory, and floristic diversity decreases beneath the canopy of these trees.

Unvegetated

Disturbed land includes unvegetated areas or areas in which there is sparse vegetative cover and where there is evidence of surface disturbance and compaction from previous human activity and/or the presence of building foundations and debris. When vegetation occurs on disturbed land, it has a high predominance of nonnative and/or weedy species that are indicators of surface disturbance and soil compaction, such as Russian thistle, telegraph weed, horehound, and sow-thistle.

2.2.1.3 Sensitive Biological Resources

Special-status biological resources include declining habitats and species that have been accorded special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, rare, or otherwise of concern. Databases of such resources are maintained by the California Department of Fish and Wildlife (CDFW, formerly California Department of Fish and Game), U.S. Fish and Wildlife Service (USFWS), and special groups such as the California Native Plant Society (CNPS). Sensitive biological resources are defined as follows: (1) habitat areas of vegetation communities that are unique, of relatively limited distribution, or of particular value to wildlife; and (2) species that have been given special recognition by federal or state agencies, or are included in regional plans due to limited, declining, or threatened populations.

Federal listing of endangered and threatened wildlife and plants is administered by the USFWS for terrestrial and freshwater species, and by the National Marine Fisheries Service for marine and anadromous species. USFWS and National Marine Fisheries Service also recognize species of special concern that are candidates for listing. Before a plant or animal species can receive protection under the federal Endangered Species Act (FESA), it must first be placed on the federal list. The program follows a strict legal process to determine whether to list a species. An endangered species is defined as one that is in danger of extinction throughout all or a significant portion of its range. A threatened species is one that is likely to become endangered in the foreseeable future. USFWS also maintains a list of plant and animal species native to the United States that are not species of special concern for possible addition to the federal list but that are not currently regulated.

CDFW implements the California Endangered Species Act (CESA), which is a program that is similar in structure to, but different in detail from, the USFWS program implementing the FESA. CDFW maintains a list of designated endangered, threatened, and rare plant and animal species. Listed species are either designated under the Native Plant Protection Act or designated by the Fish and Game Commission. In addition to recognizing three levels of endangerment, CDFW affords interim protection to candidate species while they are being reviewed by the Fish and Game Commission. CDFW also maintains a list of "Species of Special Concern," most of which are species whose breeding populations in California may face extirpation. Although these species have no legal status, CDFW recommends consideration of them during analysis of the impacts of a proposed project to protect declining populations and avoid the need to list them as endangered in the future. The CESA also protects plant species, which the FESA does not. Sensitive plant species are recorded under the California Rare Plant Ranking (CRPR), which is maintained by CDFW.

Under the provision of Section 15380(d) of the State CEQA Guidelines, the lead agency, in making a determination of significance, must treat rare non-listed plant and animal species as equivalent to

listed species if such species satisfy the minimum biological criteria for listing. In general, CDFW considers species on Lists 1A, 1B, or 2 of the Inventory of Rare and Endangered Vascular Plants of California (CNPS 2015) as qualifying for consideration under this CEQA provision. Species on the CNPS List 3 or 4 may, but generally do not, qualify for protection under this provision. Species on CNPS List 1A are “presumed extinct in California.” Species on List 1B are “rare or endangered in California and elsewhere.” Species on Lists 3 and 4 are those that require more information to determine status and plants of limited distribution, respectively.

The primary information source on the distribution of special-status species in California is the California Natural Diversity Database (CNDDDB) inventory, which is maintained by the Wildlife and Habitat Data Analysis Branch of the CDFW. The CNDDDB inventory provides the most comprehensive statewide information on the location and distribution of special-status species and sensitive natural communities. Occurrence data are obtained from a variety of scientific, academic, and professional organizations; private consulting firms; and knowledgeable individuals; and is entered into the inventory as expeditiously as possible. The occurrence of a species of concern in a particular region is an indication that an additional population may occur at another location if habitat conditions are suitable. However, the absence of an occurrence in a particular location does not necessarily mean that special-status species are absent from the area in question, only that no data has been entered into the CNDDDB inventory.

Sensitive Vegetation Communities

Of the vegetation communities list above, the following are considered sensitive by CDFW: scrub and chaparral; woodland; grassland, meadow, vernal pool, and other herb communities; forest; riparian; bog and marsh; and dune.

Special-Status Plant and Wildlife Species

Plant or wildlife species are considered sensitive if they are: (1) on List A, B, C, or D of the County of San Diego Sensitive Plant List or Group 1 or 2 of the County Sensitive Animal List (County of San Diego 2010b); (2) covered or listed as a narrow endemic under the South County Multiple Species Conservation Program (MSCP) Subarea Plan (County of San Diego 1997); (3) listed by state or federal agencies as threatened, endangered, or rare, or are proposed for listing (CDFW 2015a, 2015b, 2015c, 2015d); (4) on CRPR 1B (considered endangered throughout its range) or CRPR 2A or 2B (considered endangered in California but more common elsewhere) (CDFW 2015d); or (5) listed by other local agencies. Raptors (birds of prey) and active raptor nests are protected by the California Fish and Game Code, Section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird” unless authorized.

Special-Status Plant Species

As of 2014, there were approximately 266 special-status plant species documented throughout the County, most of which occur in upland habitats outside of natural stream channels, creeks, wetlands, and other special aquatic sites. The remaining special-status plant species typically occur in natural riparian and/or aquatic areas (vernal pools, riparian forests, riparian scrub, riparian woodland, playas, meadows, marshes, swamps, bogs, and fens). Listed plant species have the potential to occur in project areas where suitable habitat and soils are present. Of the 266 documented special-status species, 34 are state- and/or federally listed endangered, threatened, or rare. Of those 34 species,

about a third (including Gambel's watercress [*Rorippa gambellii*] and Borrego bedstraw [*Galium angustifolium* ssp. *Borregoense*]) are limited to higher elevations than occur within the incorporated municipal boundaries, or to desert habitats outside the incorporated boundaries in the County and in the project area. The remaining 23 listed plant species include wetland- or riparian-associated species and upland species (Rebman and Simpson 2014).

Within the County, USFWS has designated various areas as critical habitat for four listed plant species: Otay tarplant (*Deinandra conjugens*), thread-leaved Brodiaea (*Brodiaea filifolia*), spreading Navarretia (*Navarretia fossalis*), and willow monardella (*Monardella viminea*). Pursuant to Section 3 of the FESA, critical habitat identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations or protection. In addition, critical habitat includes specific areas outside the geographic area occupied by the species at the time it is listed, if it is determined that such areas are essential for the conservation of the species.

Special-Status Wildlife Species

Special-status wildlife species that occur, or have the potential to occur, in the project area based on a search of the CNDDDB (CDFW 2015e) are provided in Table C-2 in Appendix C of the County's General Plan Update EIR. Of the potentially occurring wildlife species within the project area, 19 are federally endangered, 3 are federally threatened, 1 is a candidate for federal listing, and 1 has been delisted. Eleven of the special-status species are recognized under CESA as state-endangered, 5 are listed as state-threatened under CESA, and 51 are listed as California Species of Concern. Special-status wildlife species are those listed as threatened or endangered, proposed for listing, or candidates for listing by USFWS and CDFW, and that are considered sensitive by CDFW.

In total, the County is home to approximately 114 special-status wildlife species, consisting of 21 invertebrates, 6 fish, 6 amphibians, 16 reptiles, 34 birds, and 31 mammals. Of the 114 special status species, only 27 are state- and/or federally listed endangered or threatened. Of the 27 listed species, 7 (including desert pupfish [*Cyprinodon macularius*], mountain yellow-legged frog [*Rana muscosa*], and peninsular bighorn sheep [*Ovis canadensis* ssp. *nelsoni*]) are limited to areas outside the incorporated municipal boundaries in the County and in the project area. The remaining 20 wildlife species include aquatic species, wetland- or riparian-associated species, and upland species (EDAW, Inc. 2008). USFWS has afforded critical habitat to eight of the species, including least Bell's vireo, southwestern willow flycatcher, Quino checkerspot butterfly (*Euphydryas editha quino*), arroyo toad, coastal California gnatcatcher, San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and tidewater goby (*Eucyclogobius newberryi*).

2.2.1.4 Jurisdictional Wetlands and Waterways

All wetlands, wetland buffer areas, and non-wetland waters of the United States are considered sensitive biological resources. Disturbance to wetlands is regulated by several agencies, each of which has very specific definitions as to what constitutes a wetland and what types of disturbances are regulated. In general, wetlands and non-wetland waters are under the jurisdiction of the U.S. Army Corps of Engineers (USACE). Under the federal methodology, an area is a jurisdictional wetland if it manifests all of the following under normal conditions: prevalence of hydrophytic vegetation, hydric soils, and wetland hydrology. Streams are jurisdictional areas located below the Ordinary High Water Mark, which is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank;

shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and other debris; or other appropriate means that consider the characteristics of the surrounding areas, as defined in 33 CFR 328.3(e). Waters of the United States, as well as waters of the state, also are under the jurisdiction of the Regional Water Quality Control Board (RWQCB). The RWQCB may regulate isolated waters that USACE does not.

Streambeds within CDFW jurisdiction are defined as bodies of water that flow at least periodically or intermittently through a bed or channel having banks and supporting fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports riparian vegetation.

Wetlands and wetland buffer areas under the jurisdiction of the County are defined in the County's Resource Protection Ordinance (RPO). Wetlands include lands having one or more of the following attributes: (1) at least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places); (2) the substratum is predominantly undrained hydric soil; or (3) an ephemeral or perennial stream is present, whose substratum is predominantly non-soil and such lands contribute substantially to the biological functions of wetlands in the drainage system. Lands that have one or more of the above attributes solely due to man-made structures (e.g., culverts, ditches, road crossings, or agricultural ponds) are not considered wetlands, provided that they have negligible biological function or value as wetlands, are small and geographically isolated from other wetland systems, are not vernal pools, and do not have substantial or locally important populations of wetland-dependent sensitive species, pursuant to RPO Section 86.602(q)(2)(aa). Lands that have been degraded by past legal land disturbance activities that have no negligible biological function or value as wetlands (even if restored to the extent feasible) and that do not have substantial or locally important populations of wetland-dependent sensitive species also would not be considered wetland, pursuant to RPO Section 86.602(q)(2)(bb). The County also has jurisdiction over wetland buffers, which provide buffer areas of an appropriate size (50 to 200 feet from the edge of the wetland) to protect the environmental and functional values of wetlands.

Jurisdictional wetlands and waterways occur throughout the project area. Formal jurisdictional delineations would be required to determine the extent of jurisdictional areas. However, the following vegetation communities within the project area would likely fall under one or all of the jurisdictions listed above: vernal pool, riparian, and bog and marsh.

2.2.1.5 Wildlife Movement and Habitat Connectivity

There are several elements that help to define wildlife movement and how wildlife move spatially through an area. Wildlife corridors are linear landscape features that connect large patches of natural open space and provide avenues for animals to migrate between these natural areas. Wildlife corridors contribute to population viability by assuring continual exchange of genes between populations, providing access to adjacent habitat areas for foraging and mating, and providing routes for recolonization of habitat after local extirpation or ecological catastrophes (e.g., fires).

Habitat linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation. Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals and may also serve as primary habitat for smaller animals, such as reptiles and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as stepping stones for dispersal. Native wildlife nursery sites refer to areas in which members of the same species collectively breed and rear offspring in substantial numbers.

To function effectively, a wildlife corridor must link two or more patches of habitat for which connectivity is desired, and it must be suitable for the focal target species to achieve the desired demographic and genetic exchange between populations. In general, the County supports a mixture of highly urbanized development, relatively natural lands, and intact natural landscapes fringed with encroaching development. High-mobility (e.g., coyote and mule deer) and moderate-mobility (e.g., raccoon and striped skunk) ground-dwelling species are likely to access more urban, populated centers by traversing major roadways, drainage culverts, and streams/creeks. The County supports numerous large, contiguous undeveloped areas that connect natural areas in eastern San Diego County to the Pacific coast and provide movement areas for wildlife.

Wildlife movement throughout the region for common wildlife and resident and migratory avifauna allows for access to foraging habitat, breeding habitat, and water sources necessary for reproduction. The South County MSCP Subarea Plan defines core habitat areas (e.g., biological resource core areas) and linkages between them (e.g., habitat linkages).

2.2.2 Regulatory Setting

Biological resources are subject to regulatory oversight at three levels: federal, state, and local.

2.2.2.1 Federal Regulations

Federal Endangered Species Act

The FESA was enacted in 1973 to conserve threatened and endangered species and their ecosystems. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a “take” under the FESA. Take of a federally listed threatened or endangered species is prohibited without a special permit. The FESA allows for take of a threatened or endangered species incidental to development activities once a Habitat Conservation Plan (HCP) has been prepared to the satisfaction of the USFWS and an incidental take permit has been issued. The FESA also allows for the take of threatened or endangered species after consultation with USFWS has deemed that development of the federal action associated with activities will not jeopardize the continued existence of the species.

“Critical habitat” is a term within the FESA designed to guide actions by federal agencies (as opposed to state, local, or other agency actions) and defined as “an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species.”

Federal Water Pollution Control Act (Clean Water Act)

The Clean Water Act (CWA) provides wetland regulation at the federal level as well as a structure for regulating discharges into the waters of the United States. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the United States. Through this act, the U.S. Environmental Protection Agency (EPA) is given the authority to implement pollution control programs. These include setting wastewater standards for industry and water quality standards for contaminants in surface waters. The discharge of any pollutant from a point source into navigable waters is illegal unless a permit under its provisions is acquired. In

California, the State Water Resources Control Board (SWRCB) and the nine RWQCBs are responsible for implementing the CWA.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) was enacted in 1918 to protect the native migratory birds or any part, nest, or egg of such bird unless allowed by another regulation adopted in accordance with the MBTA. Enforced in the United States by USFWS, the MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in Code of Federal Regulations (CFR), Title 50, Section 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered a “take” and is potentially punishable by fines and/or imprisonment.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act was enacted in 1940 to prohibit the take, transport, or sale of bald eagles (*Haliaeetus leucocephalus*), their eggs, or any part of an eagle except where expressly allowed by the Secretary of the Interior. This act was amended in 1962 to extend this protection to the golden eagle (*Aquila chrysaetos*).

2.2.2.2 State Regulations

California Endangered Species Act

The CESA, similar to the FESA, contains a process for listing of species and regulating potential impacts on listed species. State threatened and endangered species include both plants and wildlife, but do not include invertebrates. The designation “rare species” applies only to California native plants. State threatened and endangered plant species are regulated largely under the Native Plant Preservation Act in conjunction with the CESA. State threatened and endangered animal species are legally protected against “take.” The CESA authorizes CDFW to enter into a memorandum of agreement for take of listed species to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met.

California Fish and Game Code

The California Fish and Game Code regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the state. The California Fish and Game Code is administered by CDFW. Take is defined in Section 86 as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Section 5050 lists protected amphibians and reptiles. Section 3515 prohibits take of fully protected fish species. Eggs and nests of all birds are protected under Section 3503, nesting birds (including raptors and passerines) under Sections 3503.5 and 3513, birds of prey under Section 3503.5, and fully protected birds under Section 3511. Migratory non-game birds are protected under Section 3800. Mammals are protected under Section 4700. The CESA, described above, is provided in Sections 2050–2115. The Streambed Alteration Agreement regulations are provided in Sections 1600–1616, described in more detail below.

Streambed Alteration Agreements (Section 1602 et seq.)

CDFW has jurisdictional authority over wetland resources associated with rivers, streams, and lakes under California Fish and Game Code Section 1602. Section 1602 of the California Fish and Game Code requires any person, state, or local governmental agency to provide advance written notification to CDFW prior to initiating any activity that would: (1) divert, obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of a river, stream, or lake; or (2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The State definition of “lakes, rivers, and streams” includes all rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

Natural Community Conservation Planning Act of 1991

The state Natural Community Conservation Planning (NCCP) Act is designed to conserve natural communities at the ecosystem scale while accommodating compatible land use. CDFW is the principal state agency implementing the NCCP program. NCCP plans developed in accordance with the act provide for comprehensive management and conservation of multiple wildlife species, and they identify and provide for the regional or area-wide protection and perpetuation of natural wildlife diversity while allowing compatible and appropriate development and growth.

Porter-Cologne Water Quality Control Act

The Porter–Cologne Water Quality Control Act provides for statewide coordination of water quality regulations. The California SWRCB was established as the statewide authority, and nine separate RWQCBs were developed to oversee water quality on a day-to-day basis, which affects regional biological resources.

2.2.2.3 Local Regulations

San Diego Multiple Species Conservation Program

The San Diego MSCP Subarea Plan is a habitat plan that encompasses 582,000 acres and establishes a 172,000-acre preserve system over 12 jurisdictions. Each jurisdiction has its own Subarea Plan and each differs in how it implements the MSCP. The Subarea Plan for the County’s jurisdiction, adopted by the Board of Supervisors on October 22, 1997, covers 252,132 acres in the southwestern portion of the unincorporated area and covers 85 species of plants and animals and 23 vegetation types. About 73 percent (approximately 184,000 acres) of the County Subarea provides habitat for native plants and wildlife. The remaining 27 percent (approximately 68,000 acres) is disturbed, developed, or agricultural land that is considered to have little to no habitat value. The documents used to implement the MSCP include the South County Subarea Plan (adopted October 1997), the Biological Mitigation Ordinance (BMO), the Final MSCP Plan (dated August 1998), and the Implementing Agreement between the County and wildlife agencies (signed March 1998). The Implementing Agreement between USFWS, CDFW, and the County is a tool to fulfill the obligations of the MSCP. This 50-year cooperative agreement provides for the conservation of 85 plant and animal “covered species,” establishes management conditions, and requires each of the parties to perform certain duties and responsibilities. It also provides for remedies and recourse should any of the parties fail to perform. All discretionary projects within the Subarea Plan boundaries are subject

to the MSCP for the southern area of the County and must comply with requirements of the County BMO. The County Subarea Plan is regulated by the BMO, which outlines the specific criteria and requirements for projects within the MSCP boundaries. The MSCP and the BMO provide specific criteria for project design, impact allowances, and mitigation requirements.

The MSCP North County Plan is currently being prepared by the County in coordination with USFWS and CDFW. The document is a joint HCP and NCCP. A Draft North County Plan was previously released for public review in 2009. Since that time, the draft North County Plan has been updated and revised. The County anticipates releasing an updated Draft North County Plan and Draft EIR/EIS for public review in 2016/2017. In the future, the County also anticipates preparing an MSCP East County Plan. At this time, there is no schedule for completion of an East County Plan, but it is included as a future project on the County's Advance Planning Work Program.

County of San Diego Code of Regulatory Ordinances Sections 86.501–86.509, Biological Mitigation Ordinance

The County's BMO (2004) enables the County to achieve the conservation goals set forth in the Subarea Plan for the MSCP. The BMO sets forth the criteria for avoiding impacts on biological resource core areas and on plant and animal populations within those areas, as well as the mitigation requirements for most projects requiring a discretionary permit.

County of San Diego Code of Regulatory Ordinances Sections 86.601–86.608, Resource Protection Ordinance

The County's RPO was adopted in 1989 and was last amended in August 2011. The RPO places special controls on development that could affect the County's wetlands, wetland buffers, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites. Certain discretionary permit types are subject to the requirement to prepare resource protection studies under the RPO. Such discretionary permits include Tentative Maps, Tentative Parcel Maps, Revised Tentative Maps, Revised Tentative Parcel Maps, Rezones, Major Use Permits (MUPs), MUP modifications, Site Plans, Administrative Permits, and Open Space Easement Vacations. The RPO requires that wetlands and their adjacent wetland buffers be protected on sites where these permits are granted. However, it also sets forth certain allowable uses within these areas. In addition, the RPO requires that applicable discretionary projects protect sensitive habitat lands. Sensitive habitat lands include unique vegetation communities and/or the habitat that is either necessary to support a viable population or sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor.

County of San Diego Code of Regulatory Ordinances Sections 86.101–86.105, Habitat Loss Permit Ordinance

The Habitat Loss Permit (HLP) Ordinance establishes a process that enables the County to issue "take" permits for the federally listed coastal California gnatcatcher (in the form of HLPs) in lieu of the typically required Section 7 or Section 10(a) permits, which is permitted by the FESA pursuant to the Special 4(d) Rule. The HLP Ordinance was adopted in response to the federal listing of the coastal California gnatcatcher as a threatened species and the adoption of the NCCP Act by the State. The HLP Ordinance requires projects to obtain an HLP prior to the issuance of a Grading Permit, Clearing Permit, or improvement plan if the project will indirectly or directly affect any coastal sage scrub habitats. The HLP is required if coastal sage scrub or related habitat will be affected,

regardless of whether or not the site is currently occupied by coastal California gnatcatcher. HLPs are not required for projects within the boundaries of an adopted MSCP because take authorization is conveyed to those projects through compliance with the MSCP.

County of San Diego Code of Regulatory Ordinances Sections 67.801–67.814, Watershed Protection, Stormwater Management, and Discharge Control Ordinance

The County's Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) was adopted in March 2008 and revised in January 2010. The WPO establishes standards and requirements that are legally enforceable by the County within the County's jurisdiction. Projects that require a permit (e.g., Administrative Permit, Major Use Permit, Grading Permit) are required to demonstrate compliance with the WPO. Requirements in the WPO are intended to (1) prohibit polluted non-stormwater discharges to the stormwater conveyance system and receiving waters, (2) establish requirements to prevent and reduce pollution to water resources, (3) establish requirements for development project site design to reduce stormwater pollution and erosion, (4) establish requirements for the management of stormwater flows from development projects to prevent erosion and to protect and enhance existing water-dependent habitats, (5) establish standards for the use of offsite facilities for stormwater management to supplement onsite practices at new development sites, and (6) establish notice procedures and standards for adjusting stormwater and non-stormwater management requirements, where necessary.

Special Area Regulations

The provisions of San Diego County Zoning Ordinance Sections 5000 through 5999 are known as the Special Area Regulations and include a total of 15 designators. The purpose of these provisions is to set forth specialized regulations that have limited application within the County, but which assure that consideration is provided in those areas of special interest or unusual value. Some Special Area Regulations are for the protection of biological resources, including Sections 5300 through 5307, Sensitive Resource Area Regulations (Designator G); Sections 5950 through 5957, Coastal Resource Protection Area Regulations (Designation R); and/or Sections 5850 through 5856, Vernal Pool Area Regulations (Designator V).

2.2.3 Analysis of Project Effects and Determination of Significance

The proposed project consists of an amendment to the Zoning Ordinance related to accessory agricultural uses in unincorporated portions of the County over which the County has land use jurisdictions (see Section 1.4, *Project Description*, for further details). Specifically, the proposed project applies to properties where active agriculture exists within the County or properties where agricultural uses are allowed. During the Initial Study preparation and scoping process for this project, which considered potentially significant environmental impacts and involved a 30-day public comment period, it was determined that the proposed project would not result in a significant impact related to conflicts with local policies or ordinances protecting biological resources or adopted habitat conservation plans. As such, potential impacts related to local policies and ordinances protecting biological resources are not evaluated below and are further discussed in the Initial Study prepared for the project, which is provided as Appendix B. A discussion of adopted habitat conservation plans is included in Section 2.2.3.5, below, to supplement the Initial Study.

Three comment letters that are relevant to biological resources were received during the 30-day public comment period. The City of San Diego indicated that MSCP cornerstone lands are of concern for the local government. The Cleveland National Forest indicated that biological resources are of particular concern for the agency and requested that the EIR consider effects of intensified land uses on the forest. CDFW recommended that the EIR evaluate how the proposed project and related potential for agricultural expansion would affect the County's adopted South County MSCP Subarea Plan and the in-progress North County and East County MSCP plans.

2.2.3.1 Candidate, Sensitive, or Special-Status Species

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to both the direct and cumulative impact analyses. A significant impact would result if:

- The project would have a substantial adverse effect, either directly or through habitat modifications, on a candidate, sensitive, or special-status species listed in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Analysis

As discussed in Section 2.2.1, *Existing Conditions*, above, special-status species include plants and animals that are officially recognized by federal, state, and/or local agencies and organizations based on either limited, declining, or threatened population sizes. Candidate species include species that are eligible and could be listed, but have not yet been formally recognized, as special-status species. Collectively, these candidate, sensitive, and special-status species are referred to as sensitive species for the purposes of this section. The proposed amendments to the County's Zoning ordinance would promote and encourage additional land use activities on active agricultural properties throughout unincorporated San Diego County. Disturbance related to clearing land for new or additional useable area or for building structures could result in adverse direct effects on candidate, sensitive, or special-status species. The accessory agricultural uses included as part of the proposed update to the County's Zoning Ordinance would generally increase activities on agricultural properties and could result in adverse indirect effects on sensitive species on site or nearby. Potential impacts associated with each of the uses that would be promoted with adoption of the proposed project are described below.

Agricultural Homestays

Agricultural homestays are currently regulated and defined in the County's Zoning Ordinance; however, the proposed changes to the Zoning Ordinance would promote homestay uses by reducing the level of review required, and, as such, operations similar to existing homestay operations are anticipated to generally increase. Agricultural homestay operations include temporary lodging for guests who would occupy a room in an existing residence or within a detached cabin on properties of 4 acres or larger in the A70, A72, and S92 zones, upon approval of a Minor Use Permit. Adoption of the proposed project would result in the extension of agricultural homestays on properties 4 acres or larger in the RR and S90 zones also. In addition, agricultural homestays would be allowed with a ministerial Zoning Verification Permit rather than a discretionary Minor Use Permit, subject to certain criteria. Direct impacts could result if a new residence (on a vacant lot) or a detached cabin are placed on habitat occupied by sensitive species, and other associated impacts could occur

as a result of additional development to support agricultural homestay activities. Future development of a new residence (on a vacant lot) or a detached cabin to support an agricultural homestay would not necessarily require any discretionary review unless a Major Grading Permit is required (see Section 1.4.2 in Chapter 1, *Project Description*, for details on permitting requirements). As such, in some instances, agricultural homestays could be approved and permitted without review for potential impacts on sensitive species. Because sensitive species are known to exist on agricultural properties in the unincorporated County, and there is not enough information or evidence to completely dismiss the potential for impacts, the proposed project could result in direct impacts on sensitive species as a result of promoting the development and operation of agricultural homestays. Also, additional land disturbance activities could result from site improvements to support agricultural homestays, such as parking areas, storage areas, and recreational or other visitor gathering areas. In other cases, proponents of an agricultural homestay that would utilize up to three rooms within an existing residence on the property may not need to construct a new structure and may avoid potentially significant impacts on sensitive species. However, the potential for related parking areas or other land disturbance actions to support agricultural homestays within existing buildings would still exist, and impacts would still potentially be significant. MSCP and open space compliance would be reviewed through the ministerial grading checklist and would limit the potential for adverse impacts on sensitive species; however, there is the potential for direct impacts on sensitive species to occur related to site disturbance or clearing activities and for indirect impacts to occur due to increased agricultural homestays in operation throughout unincorporated San Diego County.

Agricultural and Horticultural Retail Sales

The project would also involve amending the language in the Zoning Ordinance related to agricultural and horticultural retail uses within A70, A72, S88, S90, S92, and RR zones, including agricultural stands and agricultural stores (both small and large). Project approval would allow for an agricultural stand by right in S88 zones that could contain sensitive species. An agricultural stand would include a roadside stand up to 300 square feet in size to be operated by the property owner or tenant and would be used to sell agricultural products produced on site. Agricultural stores would include individual development projects involving land clearing to support up to 1,500 square feet for small agricultural stores and up to 3,000 square feet for large agricultural stores. An agricultural store is intended to sell and display products produced or raised on the site and would be composed of retail space. Parking areas would be required to support an agricultural store and would result in additional site disturbance activities. For large agricultural stores, some of the indoor space would support food preparation and indoor seating areas for patrons. Small agricultural stores would not include food service space. Visitor and general activity would increase on properties that develop an agricultural stand or store, and the development footprint could increase from the retail use and associated parking areas.

Agricultural Tourism

Adoption of the proposed project would continue to allow agricultural tourism activities such as u-pick operations, onsite tours, and onsite agricultural instruction and demonstrations by right in several zones; however, these by-right uses would be extended into the S88 zone, and language would be added to the Zoning Ordinance to specifically prohibit events involving larger groups of people (such as weddings, music concerts, etc.). Site disturbance or development projects related to agricultural tourism would likely be minimal but could include additional parking areas, additional cleared areas for instruction, demonstrations, or other operations, and additional areas for storage

of related equipment and materials. Depending on the specific site, sensitive biological resources could exist and could be affected by the development of any additional parking areas or other areas that are cleared to support agricultural tourism. Therefore, implementation of agricultural tourism in the S88 zone could result in potentially significant indirect and direct impacts on sensitive species.

Animal Raising

The proposed project-related changes to the Zoning Ordinance could result in more animals on agricultural properties, and it is possible that areas on active agricultural properties that contain sensitive species could be cleared or disturbed to make space for additional animal keeping activities. Accessory improvements, such as increased parking areas, are not anticipated as a result of the changes to the animal schedule because there is no visitor component to the proposed animal designator changes. As such, impacts are generally limited to direct impacts associated with the clearing of land to accommodate additional animals on a given site.

Aquaponics and Hydroponics

The proposed changes to the Zoning Ordinance would add definitions for both aquaponics and hydroponics. Typical systems involve the installation of water tanks and growing areas. The areas required for these systems varies depending on the scale of the operation; however, they typically involve the use of water tanks for plants and/or fish and associated pipes and pumping systems either outdoors or within a greenhouse type of structure. The installation and use of an aquaponics or hydroponics system may involve new site disturbance and therefore has the potential to result in impacts on sensitive species. Because aquaponics and hydroponics systems would be accessory to the existing agricultural operations on any individual property and are not expected to create a demand for more employees or visitors, there would be limited site disturbance, if any, related to expanded parking areas or other improvements related to aquaponics and hydroponics operations.

Creamery/Dairy

Implementation of the proposed creamery/dairy uses could result in individual development projects involving land clearing to support up to a 4,000-square-foot building; construction of ancillary parking areas, driveways, fences, and outdoor seating; and an increase in site activity related to additional visitors and new employees. Creamery/dairy uses would require the development of non-residential structures to support the production of butter, cream, milk, or cheese within an enclosed building, and would also require indoor space for product storage intended for wholesale sales as well as retail sales. Parking areas, driveways, and fences would also be included as typical site improvements associated with the development of new structures with retail components.

Fishermen's Markets

Impacts on sensitive biological resources related to fishermen's markets are expected to be less than significant. Fishermen's markets involve the retail sale of fish to the general public and would be allowed on a temporary basis, similar to farmers' markets, on developed public property zoned for commercial use, on school property, or in conjunction with a farmers' market. The retail area itself would likely consist of a shade tent or structure and outdoor tables and would not require permanent structures or other site improvements. It is not anticipated that a fishermen's market would involve ground disturbance or clearing activities, and because they would occur on school

properties or developed commercial areas, it is not expected that any sensitive species would occur where a fishermen's market would take place.

Microbreweries, Cideries, and Micro-Distilleries

Agricultural microbreweries, cideries, and micro-distilleries are not currently regulated in the County's Zoning Ordinance, and the proposed project would permit large operations under a discretionary permit (Administrative Permit) and small operations under a ministerial permit (Zoning Verification Permit). Implementation of the proposed agricultural microbrewery, cidery, and micro-distillery uses could include individual development projects involving land clearing to support up to a 5,000-square-foot building; construction of ancillary parking areas, driveways, fences, or outdoor seating; and an increase in the number of visitors and employees in agricultural areas. Buildings associated with agricultural microbreweries, cideries, and micro-distilleries would be developed to house brewing equipment and machinery, as well as provide for retail sales and a tasting room for large microbreweries, cideries, and micro-distilleries. Depending on the specific site and placement of future facilities, significant environmental impacts on sensitive species could result, similar to the discussion above for agricultural homestays.

Mobile Butchering

Mobile butchering activities proposed as part of the project would involve a motor vehicle and/or trailer traveling to agricultural properties to process animals. In some cases, agricultural operations may clear an area and pour a concrete slab for this periodic use. It is possible that some additional storage may also be developed to support mobile butchering uses that could involve limited ground disturbance or clearing activities.

Wineries

The proposed changes to wineries included as part of the project could include individual development projects involving land clearing to support up to a 5,000-square-foot building; construction of ancillary parking areas, driveways, fences, and outdoor seating; and an increase in visitors and employees in agricultural areas. Future development would be necessary to house various equipment associated with winemaking, to store wine during the aging process, and to provide for tasting rooms and other retail space.

As discussed in Section 1.4, *Project Description*, some of the proposed accessory agricultural uses may be permitted with a ministerial permit or allowed by right, and may not require additional or subsequent environmental review pursuant to CEQA. However, for some uses that would require a ministerial permit, a discretionary grading permit may be required depending on the amount of earthwork involved (e.g., 200 cubic yards of import or export is needed or more than 2,500 cubic yards of grading is proposed), and additional environmental review pursuant to CEQA would be required. Even though subsequent environmental review is anticipated for some components of the proposed project, such as large microbreweries, there is no guarantee that future environmental review would conclude that impacts would be less than significant.

Summary

The proposed amendments to the County's Zoning Ordinance would promote and encourage additional land use activities on active agricultural properties throughout unincorporated San Diego County. Impacts on candidate, sensitive, or special-status species could result directly from

disturbance related to clearing land for new or additional usable area or for building structures. Indirect impacts could result from the general expected increase in activities on agricultural properties that could occur on lands with sensitive species on site or nearby. **Direct and indirect impacts related to candidate, sensitive, or special-status species are considered to be potentially significant and unavoidable (Impact BI-1).**

2.2.3.2 Riparian Habitat or Sensitive Natural Community

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to both the direct and cumulative impact analyses. A significant impact would result if:

- The project would have a substantial adverse effect on riparian habitat or another sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Analysis

Riparian habitat generally occurs along rivers, streams, and drainages and can provide connections for terrestrial and aquatic habitats. Local and regional plans that address sensitive natural communities include the County of San Diego MSCP, the County of San Diego RPO, NCCP, Fish and Game Code, ESA, and CWA, as discussed above under Section 2.2.2, *Regulatory Setting*. Compliance with the provisions in these plans would be required for all future projects associated with the proposed changes to the Zoning Ordinance. As discussed above under the impact analysis for sensitive species, the proposed changes to the Zoning Ordinance could similarly result in ground disturbance and increased visitor and employee activity on agricultural properties that could result in significant impacts on riparian habitat or sensitive natural communities, with the exception of fishermen's markets as they would occur on school sites or developed commercial areas. Increases in building and parking areas, driveways, fences, or outdoor seating could occur associated with new or expanded agricultural homestays, agricultural microbreweries, cideries, and micro-distilleries, agricultural and horticultural retail uses, agricultural tourism, animal raising, aquaponics, creamery/dairy, mobile butchering, and wineries, which could potentially affect riparian habitat or sensitive natural communities.

Compliance with local and regional plans that address sensitive natural communities would be required as part of the discretionary review process for larger projects as well as part of the ministerial grading permit review process for ministerial projects. If riparian habitat or other sensitive natural communities exist on a specific project site, avoidance, mitigation, and/or minimization of impacts would be required. However, even with compliance with the County's MSCP and other local and regional plans that protect riparian habitat and sensitive natural communities, there is no guarantee or indication that impacts would be reduced to a level below significance until a site-specific project site and design is developed and reviewed by the appropriate regulatory agencies, including the County of San Diego. Furthermore, it is anticipated that additional ground disturbance is likely to occur to further support accessory agricultural uses such as fences, parking areas, outdoor seating or eating areas, or additional storage areas. The potential for additional ground disturbance to occur without review for potential impacts per local or regional plans, policies, or regulations represents a potentially significant impact on riparian or sensitive natural communities.

Compliance with applicable local and regional plans could be achieved and still result in significant unavoidable impacts. A discretionary grading permit may be triggered by the larger accessory agricultural uses, such as agricultural microbreweries, cideries, and micro-distilleries, wineries, and agricultural stores, which could require environmental review pursuant to CEQA; however, while a best effort to avoid, minimize, and mitigate potential impacts, there is no guarantee that impacts to riparian habitat or sensitive natural communities would be concluded to be less than significant with or without mitigation.

Therefore, impacts on riparian habitat and sensitive natural communities from the adoption of the proposed Zoning Ordinance amendments are considered to be potentially significant (Impact BI-2).

2.2.3.3 Federally Protected Wetlands

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to both the direct and cumulative impact analyses. A significant impact would result if:

- The project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Analysis

Federally protected wetlands are defined in Section 404 of the CWA as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Such wetlands generally include swamps, marshes, bogs, and similar areas. Direct impacts on federally protected wetlands would occur if development under the proposed Zoning Ordinance Amendment would result in the removal, filling, hydrological interruption, or other disturbance to these resources. Some accessory agricultural uses may be located on developed lots or already cleared areas and may not have an impact on federally protected wetlands; however, other future accessory uses to agriculture may be built on land that contains federally protected wetlands, including vernal pools. Compliance with permit requirements and regulations at the state and federal level would be required of all future development, which would generally require either avoidance, minimization, or mitigation for potential wetland impacts. Because there is no specific development proposal associated with the proposed project, compliance with federal permitting requirements does not apply to adoption of the proposed changes to the County Zoning Ordinance. However, similar to the discussion above for sensitive species, associated development is anticipated for most of the accessory agricultural uses, which may not be reviewed for potential impacts, and significant impacts could occur. For instance, parking areas or outdoor seating areas to support various proposed accessory agricultural uses may not require any permit review, and, as such, ground disturbance on an agricultural property could occur and impact a federally protected wetland, such as a vernal pool.

Two federal agencies, USACE and RWQCB, regulate the discharge of dredged or fill material into waters of the United States under Sections 401 and 404 of the CWA. Section 401 of the CWA requires a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States and to obtain a certification that the discharge will comply with the

applicable effluent limitations and water quality standards. At the state level, the Lake and Streambed Alteration Program requires written notification to CDFW prior to altering a riparian area (a type of wetland) supported by a lake, river, or stream, including federally protected wetlands. For water quality impacts on all wetlands, the California Porter–Cologne Water Quality Control Act directs the RWQCBs to develop regional Basin Plans, which are designed to preserve and enhance the quality of water resources in each region. At the local level, the County RPO restricts impacts on various wetlands, wetland buffers, floodways, and floodplain fringe areas, which potentially contain federally protected wetlands. In addition, both the WPO and the Zoning Ordinance include special protections for wetlands that would apply to federally protected wetlands. Compliance with these permit requirements and regulations would minimize substantial adverse impacts on federally protected wetlands. Regardless of minimization of impacts on wetlands, including vernal pools, impacts are considered to be potentially significant.

Implementation of the proposed project would promote uses that could result in ground disturbance activities on agricultural properties; although existing federal regulations would be enforced through the permitting process, it is expected that future implementation of the proposed project could also involve non-permitted site disturbance activities, such as parking and seating areas for visitors, and, as a result, the proposed project could violate federal regulations related to wetlands. **Impacts on federally protected wetlands as a result of project implementation are considered to be potentially significant (Impact BI-3).**

2.2.3.4 Wildlife Movement

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to both the direct and cumulative impact analyses. A significant impact would result if:

- The project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

Analysis

The proposed project would encourage activities that may result in land clearing and/or development in active agricultural areas. New land clearing or development could adversely affect wildlife movement if it occurs on land that contains native habitat that provides linkages to wildlife corridors. Future development under the proposed Zoning Ordinance Amendment would also have the potential to be located in areas that would affect nursery sites. Nursery sites are located throughout the habitats of the unincorporated County and include areas that provide the resources necessary for reproduction of a species, including foraging habitat, breeding habitat, and water sources.

As discussed above under the impact analyses for sensitive species and riparian habitat, the proposed changes to the Zoning Ordinance could result in ground disturbance and increased visitor and employee activity on agricultural properties, with the exception of fishermen's markets as they would occur on school sites or developed commercial areas. For proposed accessory agricultural uses that would not require further environmental review, increases in building and parking areas, driveways, fences, or outdoor seating could occur associated with new or expanded agricultural homestays, agricultural microbreweries, cideries, and micro-distilleries, agricultural and

horticultural retail uses, agricultural tourism, animal raising, aquaponics, creamery/dairy, mobile butchering, and wineries, which could potentially affect wildlife movement. Although the larger accessory agricultural uses, such as agricultural microbreweries, wineries, and agricultural stores could undergo future environmental review pursuant to CEQA, there is no guarantee that any identified potential impacts would be less than significant. As part of the discretionary permitting process for larger accessory agricultural uses that do require environmental review, proposed projects would be required to determine if a biological resources report is required, pursuant to the County *Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources*. If required, the report would analyze potential effects of private and public projects on wildlife movements, corridors, and nursery sites; would evaluate site-specific conditions and identify potential impacts; and would suggest feasible mitigation measures. Indirect effects related to lighting and noise may also further impact wildlife corridors or linkages.

Implementation of the proposed project would promote uses that could result in the development of permanent structures and the expansion of activities on agricultural properties that have the potential to interfere with wildlife movement or impede the use of native wildlife nursery sites if disturbance or new development is sited within or adjacent to an area that supports this use. Although the possibility of an impact occurring is slight, as explained above, there are circumstances when activities supported by the project could result in this occurrence; therefore, it is concluded that **impacts from the project on wildlife movement would be potentially significant (Impact BI-4)**.

2.2.3.5 Habitat Conservation Plans

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the State CEQA Guidelines applies to both the direct and cumulative impact analyses. A significant impact would result if:

- The project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Analysis

The project area can generally be divided into two areas for the purpose of this topic: (1) areas covered by the adopted South County MSCP Subarea Plan; and (2) areas without an adopted MSCP subarea plan but that have MSCP subarea plans in preparation (North County and East County). For the South County MSCP Subarea Plan area, a significant impact would occur if the proposed project was considered to conflict with the provisions of the plan. The San Diego MSCP and the South County MSCP Subarea Plan were reviewed with consideration of the proposed project and no conflicts were identified. As discussed above, the proposed project would promote accessory agriculture uses, which could result in the development of lands containing natural habitat. However, any clearing of vegetation would be subject to the County's Grading and Clearing Ordinance and Biological Mitigation Ordinance. The South County MSCP Subarea Plan includes an exemption for agricultural clearing that is outside of the Pre-Approved Mitigation Area. However, the cumulative clearing is limited to 3,000 acres, at which time any further clearing is subject to the BMO. Therefore, while the proposed project could result in some additional clearing beyond the 3,000 acres, this is not considered a conflict with the plan, because additional clearing would be

required to comply with the BMO. As discussed under Section 2.2.3.1, it is likely that some clearing will not be subject to County review and for the purpose of that discussion, impacts were considered potentially significant because there is no certainty of the outcome of specific individual projects promoted by the proposed project. Such potential individual impacts are not considered to represent a conflict between the proposed project and the South County MSCP Subarea Plan. As a result, **the proposed project would not conflict with the South County MSCP Subarea Plan, and impacts would be less than significant.**

In the North and East County MSCP planning areas, a significant impact would occur if the proposed project would preclude or prevent the preparation of a subregional NCCP such as those under development for those areas. Due to the extent of existing agriculture in the North County MSCP planning area, the draft plan places importance on some agriculture lands for its support of wildlife habitat, foraging, and movement. Therefore, conversion of active agriculture lands to developed land could be considered a potential conflict with the overall plan. However, such conversion is not anticipated to be substantial. Most agricultural operations range from a few acres to dozens of acres. The developed land that supports accessory uses to the agricultural operations is a small percentage of those lands and, for many of the uses promoted by the proposed project, square footage limitations on the buildings would ensure that land disturbance associated with them is not substantial. Additionally, one of the goals of the proposed project is to support the viability of existing agricultural operations, which would add to the retention of agricultural areas and discourage their conversion to residential development. The draft North County plan contains an agricultural clearing exemption similar to the South County plan and, similarly, clearing that is consistent with the plan and the County's regulations would not be considered a conflict. A draft document is not yet available for the East County area. Until the North and East County plans are adopted, the County's Clearing and Grading Ordinance and CEQA compliance minimizes the potential for biological impacts that could affect preparation of the plans. As with South County, there is the potential for individual impacts from individual projects, but they are not anticipated to preclude or prevent the preparation of the MSCP subarea plans. As a result, **impacts would be less than significant.**

2.2.4 Cumulative Impacts Analysis

The geographic scope of cumulative impact analysis varies depending on the type of resource with potential to be affected. Biological resources on a cumulative level include all native vegetation and habitat types in Southern California as they are all connected and integrated in some form. As such, the geographic scope for the cumulative analysis includes the entire County (incorporated and unincorporated areas) as well as the surrounding counties in Southern California. The area within the cumulative geographic scope for biological resources has historically included undeveloped coastal areas and has been transformed by past development projects that represent the urban and suburban setting in Southern California. Many parts of Southern California are undeveloped, and there is the potential for additional degradation of biological resources within the cumulative study area.

2.2.4.1 Candidate, Sensitive, or Special-Status Species

Past projects have resulted in cumulatively significant impacts on candidate, sensitive, or special-status species throughout the County, including loss of habitat. In order to address cumulative impacts on sensitive species, the MSCP was adopted to protect plants, animals, and their habitats at

a regional level while also allowing economic activity where compatible and appropriate to reduce cumulative effects of individual projects. A portion of the project is located within the County's adopted MSCP Subarea Plan, and any future impacts on sensitive species from present and future projects would be addressed and mitigated at the cumulative level according to the requirements of the MSCP Subarea Plan. In project areas not subject to the County's adopted MSCP Subarea Plan, a comprehensive regional plan for habitat and species conservation does not currently exist, and incremental contributions to the existing cumulatively significant impacts identified for candidate, sensitive, or special-status species could occur. All present and reasonably foreseeable future projects would be required to comply with applicable federal and state regulations, such as the FESA, CESA, and NCCP, and may require approvals from USFWS and CDFW. Without a comprehensive NCCP in place for the entire Southern California region, a cumulative loss of habitat supporting special-status plant and wildlife species may occur, even with implementation of mitigation at the project level. Future projects within the County's adopted MSCP Subarea Plan would be reviewed for MSCP and open space compliance through the ministerial grading checklist or future discretionary and CEQA project review; however, there is no guarantee that project-specific mitigation measures would reduce impacts on candidate, sensitive, or special-status species to a level below significant. Therefore, past, present, and future projects in Southern California could continue to result in immitigable impacts on sensitive species or occur outside of areas that protect sensitive species. **When the significant project-level impact on sensitive species (Impact BI-1) is considered at the cumulative level, the project's contribution to a cumulative impact is considered to be potentially significant (Impact BI-5).**

2.2.4.2 Riparian Habitat or Sensitive Natural Community

Impacts on riparian habitat and sensitive natural communities from past projects have occurred as a result of development and urbanization in the region, and much of the riparian habitat in the region has been lost or negatively affected. As a result, direct and indirect loss or degradation within the cumulative study area has resulted in a cumulatively significant impact on riparian habitat. Although current and future projects would be required to comply with applicable state and federal regulations protecting riparian habitat and sensitive natural communities, either through the ministerial grading process or discretionary use permit and CEQA review, there is no comprehensive NCCP plan in place for the entire Southern California region, and a cumulative loss of habitat supporting special-status plant and wildlife species may occur, even after mitigation has been implemented on an individual project basis. Therefore, past, present, and future projects in Southern California could continue to result in immitigable impacts on riparian habitat or occur outside of areas that protect riparian species. **When the significant project-level impact on sensitive species (Impact BI-2) is considered at the cumulative level, the project's contribution to a cumulative impact is considered to be potentially significant (Impact BI-6).**

2.2.4.3 Federally Protected Wetlands

Impacts on wetlands within the cumulative study area for biological resources have occurred related to past projects and, as a result, are considered to be cumulatively significant. Other projects in adjacent jurisdictions would be required to comply with applicable federal regulations, such as Sections 401 and 404 of the CWA. However, existing County regulations would not ensure that a significant cumulative impact associated with federally protected wetlands would not occur (as identified above as Impact BI-3). All accessory agricultural activities included as part of the proposed project would be required to comply with federal regulations such as Section 401 and 404

of the CWA during the ministerial grading process or discretionary use permit and CEQA review, and both the WPO and the Zoning Ordinance include special protections for wetlands that would apply to federally protected wetlands. Therefore, the likelihood of additional land clearing activities that would not be reviewed or regulated represents a potentially significant impact. Compliance with these permit requirements and regulations would avoid substantial adverse impacts on federally protected wetlands; however, the potential for a significant impact would still exist. Past projects have resulted in cumulatively significant impacts on wetlands, and, although current and future projects, including the proposed project, would be required to comply with existing federal wetland regulations, it is possible that **approval of the accessory agricultural uses under the proposed project would contribute to a cumulatively considerable significant impact (Impact BI-7).**

2.2.4.4 Wildlife Movement

Past projects located in the cumulative study area have resulted in a cumulatively significant impact associated with wildlife movement corridors and nursery sites. Adjacent jurisdictions, including incorporated cities, counties, and federally and state-managed lands would be required to comply with applicable federal and/or state regulations, such as the California NCCP Act. If potentially significant impacts would occur from particular cumulative projects, then mitigation measures would be implemented to reduce impacts to the extent feasible or a rationale as to why mitigation is not feasible would be provided. However, without a comprehensive NCCP in place for the long-term protection of wildlife movement corridors and nursery sites for the entire Southern California region, a cumulative loss of wildlife movement corridors and nursery sites would occur, even after mitigation has been implemented for individual projects. Therefore, a significant cumulative impact associated with wildlife movement corridors and nursery sites would occur. The proposed project would potentially result in the introduction of new structures or development that could further interfere with wildlife movement or impede use of nursery sites. Therefore, because past projects have resulted in a cumulatively significant impact on wildlife movement and the proposed project could similarly continue to affect wildlife movement throughout the unincorporated County, **the contribution of the project would be cumulatively considerable (Impact BI-8).**

2.2.4.5 Habitat Conservation Plans

As discussed above in Section 2.2.3.5, the proposed project would not conflict with the South County MSCP Subarea Plan nor would it preclude or prevent the preparation of the North and East County MSCP plans. No cumulative projects were identified that, when considered in combination with the proposed project, would result in conflict. Therefore, **the project would not have a considerable contribution to a cumulative impact relative to the provisions of a habitat conservation plan.**

2.2.5 Significance of Impacts Prior to Mitigation

The proposed project would result in potentially significant impacts associated with biological resources, including special-status species (**Impacts BI-1, direct/indirect, and BI-5, cumulative**), riparian and other sensitive natural communities (**Impacts BI-2, direct/indirect, and BI-6, cumulative**), federally protected wetlands (**Impacts BI-3, direct/indirect, and BI-7, cumulative**), and wildlife movement corridors (**Impacts BI-4, direct/indirect, and BI-8, cumulative**). The proposed project would not result in potentially significant impacts on local policies and ordinances or habitat conservation plans.

2.2.6 Mitigation Measures

The proposed project consists of a zoning ordinance amendment and is not project specific; therefore, the impacts of specific future agriculture projects cannot be determined at this stage, nor can appropriate project-specific mitigation measures be identified or enforced. However, some of these unidentified future agriculture projects may be required to obtain a discretionary permit, such as a Grading Permit, which would trigger CEQA review of a future accessory agricultural use project. For such projects, feasible mitigation measures could be included in the permit, thus making them enforceable. Typical mitigation measures to be implemented would include avoidance, preservation, or replacement of sensitive resources, habitats, species, or natural communities. Where a proposed project has the potential to conflict with wildlife movement, local ordinances, or an HCP/NCCP/MSCP, mitigation such as open space easements, buffers, and adjacency guidelines (among others) may be used to mitigate impacts. As a result, specific impacts on biological resources would be analyzed and mitigated for these types of by-right projects.

At the same time, there may also be future by-right projects for which related discretionary permits are required, but for which mitigation would not be feasible, or for which no related discretionary permit is required at all (e.g., where grading is less than 200 cubic yards, but which would affect native or fallow land). For such by-right projects, CEQA review would not be required, and appropriate mitigation would not be implemented. As it cannot be concluded at this stage that impacts on biological resources from all future agriculture projects allowed by the ordinance amendment would be avoided or mitigated, impacts would remain significant and unmitigated. By-right uses may not be subject to discretionary approval, and, thus, additional environmental review may not be conducted. Therefore, these impacts are significant and unmitigated because there would be no enforcement mechanism to guarantee resource avoidance or compliance with environmental regulations.

2.2.6.1 Candidate, Sensitive, or Special-Status Species

The proposed project would promote the development of accessory agriculture facilities, some of which would not need discretionary review. Mitigation measures (described below) have been identified that would reduce impacts related to candidate, sensitive, or special-status species, but not below a significant level.

Mitigation Measures

M-BIO-1: During the environmental review process for future discretionary permits for accessory agricultural uses, the County Guidelines for Determining Significance for Biological Resources shall be applied. When impacts on biological resources are determined to be significant, feasible and appropriate project-specific mitigation measures shall be incorporated pursuant to CEQA and RPO, BMO, and HLP Ordinance requirements, as applicable. Examples of standard mitigation measures within the County Guidelines include: avoidance of sensitive resources; preservation of habitat; revegetation; resource management; and restrictions on lighting, runoff, access, and/or noise.

Infeasible Mitigation Measures

The following mitigation measure was considered in attempting to reduce impacts associated with candidate, sensitive, or special-status species within the County to below a level of significance.

However, the County has determined that this measure is infeasible for reasons described as follows. Therefore, the following mitigation measure would not necessarily be implemented.

- Adopt MSCP plans for North County and East County that provide coverage for special-status species as well as protections for wildlife corridors, habitat linkages, and core habitat areas in those regions.

Because the County is currently in the process of preparing such plans, this measure is feasible and attainable. However, these conservation plans require approval at the federal and state levels, which the County cannot guarantee would occur prior to approval and implementation of the proposed project. In addition, the timing of these programs (e.g., MSCP adoption and implementation) may not coincide with the proposed project impacts in these areas. Therefore, this measure cannot be considered feasible mitigation for the proposed project.

Because the measure listed above has been found to be infeasible, impacts would remain **significant and unavoidable**. Chapter 4, *Project Alternatives*, provides a discussion of alternatives to the proposed project that would result in some reduced impacts associated with candidate, sensitive, or special-status species as compared to the proposed project.

2.2.6.2 Riparian Habitat or Sensitive Natural Community

The proposed project would allow for the development of accessory agricultural facilities, some of which would not need discretionary review. Mitigation measure **M-BIO-1** is also applicable to this issue and is incorporated here by reference. Incorporation of this mitigation measure, in addition to the mitigation measure listed below, could reduce potentially significant impacts on riparian habitat and sensitive natural communities, but not below a significant level.

Mitigation Measures

M-BIO-2: Require that development projects obtain CWA Section 401/404 permits issued by the California RWQCB and USACE for applicable discretionary project-related disturbances of waters of the U.S. and/or associated wetlands. Also continue to require that discretionary projects obtain Fish and Game Code Section 1602 Streambed Alteration Agreements from CDFW for applicable project-related disturbances of streambeds.

Infeasible Mitigation Measures

The infeasible mitigation measure listed above in Section 2.2.6.1, *Candidate, Sensitive, or Special-Status Species*, was considered in attempting to reduce impacts associated with riparian habitat and sensitive natural communities within the County to below a level of significance. However, the County has determined that this measure is infeasible for reasons described above. Therefore, the mitigation measure would not necessarily be implemented.

Impacts would remain **significant and unavoidable**. Chapter 4, *Project Alternatives*, provides a discussion of alternatives to the proposed project that would result in some reduced impacts associated with riparian habitat and sensitive natural communities as compared to the proposed project.

2.2.6.3 Federally Protected Wetlands

The proposed project would allow for the development of accessory agricultural facilities, some of which would not need discretionary review. Mitigation measures **M-BIO-1** and **M-BIO-2** are also applicable to this issue and are incorporated here by reference. Incorporation of these mitigation measures could reduce potentially significant impacts on federally protected wetlands, but not below a significant level.

Infeasible Mitigation Measures

The infeasible mitigation measure listed above in Section 2.2.5.1, *Candidate, Sensitive, or Special-Status Species*, was considered in attempting to reduce impacts associated with federally protected wetlands within the County to below a level of significance. However, the County has determined that this measure is infeasible for reasons described above. Therefore, the mitigation measure would not necessarily be implemented.

Impacts would remain **significant and unavoidable**. Chapter 4, *Project Alternatives*, provides a discussion of alternatives to the proposed project that would result in some reduced impacts associated with federally protected wetlands as compared to the proposed project.

2.2.6.4 Wildlife Movement

The proposed project would allow for the development of accessory agricultural facilities, some of which would not need discretionary review. Mitigation measures **M-BIO-1** and **M-BIO-2** are also applicable to this issue and are incorporated here by reference. Incorporation of these mitigation measures could reduce potentially significant impacts on wildlife movement corridors and nursery sites, but not below a significant level.

Infeasible Mitigation Measures

The infeasible mitigation measure listed above in Section 2.2.5.1, *Candidate, Sensitive, or Special-Status Species*, was considered in attempting to reduce impacts associated with wildlife movement corridors and nursery sites within the County to below a level of significance. However, the County has determined that this measure is infeasible for reasons described above. Therefore, the mitigation measure would not necessarily be implemented.

Impacts would remain **significant and unavoidable**. Chapter 4, *Project Alternatives*, provides a discussion of alternatives to the proposed project that would result in some reduced impacts associated with wildlife movement corridors and nursery sites as compared to the proposed project.

2.2.7 Conclusion

Although implementation of the proposed mitigation measures, in addition to compliance with applicable regulations, would reduce potential impacts associated with the proposed project, development of future accessory agricultural operations enabled by adoption of the proposed zoning ordinance amendment at unspecified locations within the project area would result in **significant direct and cumulative unmitigated impacts** on candidate, sensitive, or special-status plant or wildlife species; riparian habitat or other sensitive natural communities; federally protected wetlands; and wildlife movement corridors or nursery sites (**Impacts BI-1, BI-2, BI-3, BI-4, BI-5, BI-6, BI-7, and BI-8**).

