

2.4 Biological Resources

This section discusses potential impacts to sensitive biological resources resulting from the implementation of the proposed project. The analysis is based on the review of existing resources, technical data, and applicable laws, regulations, and guidelines.

2.4.1 Existing Conditions

The landscape of the County of San Diego (County) is diverse and includes 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. Due to the diverse topography, range of micro-climates, soils, and other natural features, as well as a variety of habitats and species occur within the County, many of which are unique to the region. The development of urban, rural, and agricultural areas, as well as 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 is 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 have been predominantly developed in a rural fashion, with large lot sizes, agricultural or related uses, and limited infrastructure and service availability.

Vegetation Communities

The multiple vegetation types within the project area have been combined into 10 vegetation community categories, which are described below. The extent and location of the vegetation communities present within the project are shown in Figure 2.4-1.

Scrub and Chaparral

Scrub and chaparral is one of the most widespread vegetation communities in the project area. This vegetation community category comprises 42 individual vegetation communities, including coastal scrub, sonoran desert scrub, southern mixed chaparral, northern mixed chaparral, coastal sage-chaparral scrub, chamise chaparral, Diegan coastal, 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 in the County and is habitat for the sensitive California gnatcatcher (*Poliophtila californica*). There are several different types of Diegan coastal

sage scrub throughout the County, including Diegan coastal scrub, Diegan coastal scrub (coastal form), Diegan coastal scrub (inland form), and Diegan coastal scrub (Baccharis-dominated).

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 sage (*Artemisia californica*), flat-topped buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), saw-tooth goldenbush (*Hazardia squarrosa*), and laurel sumac (*Malosma laurina*).

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, fourwing saltbrush (*Atriplex canescens*), brittlebrush (*Encelia farinosa*), deerweed (*Lotus scoparius*), and Lord's candle (*Yucca whipplei* ssp. *parishii*) (County of San Diego 2010a).

The California gnatcatcher, California towhee (*Melospiza crissalis*), white crowned sparrow (*Zonotrichia leucophrys*), cottontail (*Sylvilagus* spp.), and California thrasher (*Toxostoma redivivum*) are representative birds of the coastal sage scrub communities. The orange-throated whiptail (*Aspidoscelis hyperythra*), San Diego horned lizard (*Phrynosoma coronatum*), 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

The chaparral type at any one location is determined by the dominant soils, elevation, rainfall, and other conditions. While various forms of chaparral have been lost to agriculture and urbanization, chaparral still occurs throughout the mesas and slopes of the coastal lowlands. 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.). Other types of chaparral included in this classification are southern mixed chaparral, northern mixed chaparral, chamise chaparral, red shank chaparral, montane chaparral, scrub oak chaparral, and maritime chaparral. Chaparral is home to a wide variety of birds. The spotted towhee (*Pipilo maculatus*), wrentit (*Chamaea fasciata henshawi*), Bell's sage sparrow (*Amphispiza belli*), and California thrasher are representative birds

of the chaparral community. A number of reptiles also inhabit this community, including the western whiptail (*Cnemidophorus tigris*), granite spiny lizard (*Sceloporus orcutti*), San Diego horned lizard, and Pacific rattlesnake (*Crotalus oreganus helleri*). In rocky, boulder-strewn terrain on the eastern side of the mountains, the 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*), the 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 conditions are moister than the soils that host coastal sage 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 including 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. Since 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 make their homes within this plant community. Shrews and long-tailed weasels (*Mustela frenata*) tend to prefer oak woodland areas that provide more moisture.

Grassland, Meadows, Vernal Pools, and Other Herb Communities

Grasslands

Grasslands in San Diego are generally divided into two types: native and non-native. Native grasslands are composed mostly of native perennial grasses and herbs, including several species of bunch grasses (*Nassella* spp.), blue-eyed grass (*Sisyrinchium bellum*), checker-bloom (*Sidalcea malviflora* ssp. *sparsifolia*), and San Diego goldenstar (*Muilla clevelandii*). Non-native grasslands consist of non-native annual grass species that originated in the Mediterranean region and support foxtail chess (*Bromus madritensis* ssp. *rubens*), ripgut grass (*Bromus diandrus*), wild oats (*Avena* spp.), fescues (*Vulpia* spp.), red-stem filaree (*Erodium cicutarium*), mustards (*Brassica* spp.), lupines (*Lupinus* spp.), and goldfields (*Lasthenia* spp.). Due to urbanization and

agricultural activities, non-native annual grasslands have predominately replaced native grasslands and shrub lands, including coastal sage scrub and chaparral.

Meadows

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 and meadows; 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 hatch from hardened cysts that protect the animal during the dry season and complete their life cycles within a couple of weeks. Tadpoles and very small crustaceans hatch when the pools are full.

Forests

Coniferous forests generally occur above an elevation of 3,500 feet and extend across the major mountain ranges of the Palomar, Volcan, Hotsprings, Cuyamaca, and Laguna. 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. This habitat is very important for wildlife. 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, plain titmouse (*Baeolophus* spp.), and a variety of flycatchers. It is also important 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 (*Quercus kelloggii*), 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 well as 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, red-winged 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.

Developed Areas, Non-Native Vegetation, and Unvegetated

Developed

Developed areas, or urban land, consists of all residential, commercial, and industrial developments, and land covered by non-native vegetation (except grasslands). Most urban types of development provide little habitat for native species, but support several non-native species, such as mourning doves (*Zenaida macroura*), 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, 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 non-native 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).

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 non-native and/or weedy species that are indicators of surface disturbance and soil compaction, such as Russian thistle, telegraph weed, horehound, and sow-thistle.

Non-Native Vegetation

Non-native 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.

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 (CDFG)), U.S. Fish and Wildlife Service (USFWS), and special groups such as the California Native Plant Society (CNPS). Sensitive biological resources are designed as the following: (1) habitat areas of vegetation communities that are unique, of relatively limited distribution, or of particular values 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. The 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. The USFWS also maintains a list of plant and animal 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.

The 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. The 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, the CDFW affords interim protection to candidate species while they are being reviewed by the Fish and Game Commission. The 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, the 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.

Under the provision of Section 15380(d) of the California Environmental Quality Act (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, the CDFW considers species on Lists 1A, 1B, or 2 of the Inventory of Rare and Endangered Vascular Plants of California (CNPS 2001) 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 and bottomland; 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 (County of San Diego 2006); (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 or endangered or are proposed for listing; (4) on List 1B (considered endangered throughout its range) or List 2 (considered endangered in California but more common elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California (2001); or (5) considered rare, endangered, or threatened by the CNDDDB (CDFG 2011a and 2011b; CDFW 2013a and 2013b) or local conservation organization or specialists.

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

The species-status plant species that occur, or have the potential to occur, in the project area based on a search of the CNDDDB (CDFG 2009) are provided in Table C-1 in Appendix C of the County’s General Plan Update EIR. There are 184 special-status plant species identified. Fourteen are federally endangered, six are federally threatened, and two are candidates for federal listing. Twenty-one of the special-status species are recognized under CESA as state-endangered, two are listed as state-threatened under CESA, and six are listed under the California Native Plant Protection Act as rare.

Special-status plant species are species that have been given special recognition by federal, state, or local conservation agencies and organizations due to limited, declining, or threatened population sizes. Species include those listed by the state and federal governments as threatened or endangered; those proposed for state and/or federal listing or candidates; and those found on Lists 1A, 1B, 2, or 3 of the CNPS Inventory of Rare and Endangered Plants of California (2001) or CNPS online inventory (<http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>).

As of 2008, there were approximately 267 special-status plant species documented throughout the County, 192 of which occur in upland habitats outside of natural stream channels, creeks, wetlands, and other special aquatic sites. The remaining 75 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 267 documented

special-status species, 33 are state- and/or federally listed endangered or threatened. Of those 33 species, 11 (including Gambel's watercress (*Rorippa gambellii*), Borrego bedstraw (*Galium angustifolium* ssp. *borregoense*), and Dehesa nolina (*Nolina interrata*)) 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 22 listed plant species include wetland- or riparian-associated species and upland species (EDAW Inc. 2008).

Within the County, the 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 (CDFG 2009) 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 the USFWS and CDFW, and that are considered sensitive by the 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 (*Poliptila californica californica*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and tidewater goby (*Eucyclogobius newberryi*).

Jurisdictional Wetlands and Waterways

All wetland areas, 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 and considerable overlap. In general, wetlands and non-wetland waters are under the jurisdiction of the U.S. Army Corps of Engineers (ACOE). Streambeds and associated vegetation are under the jurisdiction of the CDFW. Waters of the state and waters of the United States are under the jurisdiction of the Regional Water Quality Control Board (RWQCB), and wetlands and wetland buffer areas are under the jurisdiction of the County's Resource Protection Ordinance (RPO).

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 bottomland, and bog and marsh.

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.

There are no documented native wildlife nursery sites in the County; however, there is suitable habitat owing to successful wildlife movement throughout the region for common wildlife and resident and migratory avifauna. The South County MSCP Subarea Plan defines core habitat areas (e.g., biological resource core areas) and linkages between them (e.g., habitat linkages).

2.4.2 Regulatory Setting

Biological resources are subject to regulatory oversight at three levels: federal, state, and local (County of San Diego 2010b).

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 the 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 the USFWS, the MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR 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*).

State Regulations

California Endangered Species Act

The CESA, similar to the FESA, contains a process for listing of species and regulating potential impacts to 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 the 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.

State Species of Special Concern

Species of special concern is an informal designation used by the CDFW for some declining wildlife species that are not officially listed as endangered, threatened, or rare. This designation does not provide legal protection but signifies that these species are recognized as vulnerable by CDFW.

California Fully Protected Species

Species that are California fully protected include those protected by special legislation for various reasons, such as the white-tailed kite (*Elanus leucurus*).

California Fish and Game Code

The California Fish and Game Code provides protection from take for a variety of species, referred to as fully protected species. 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.

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. CDFW has the authority to regulate all work under the jurisdiction of California that would substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.

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. The 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.

Local Regulations

San Diego Multiple Species Conservation Program

The MSCP is a long-term regional conservation plan designed to establish a connected preserve system that ensures the long-term survival of sensitive plant and animal species and protects the native vegetation found throughout the County. The MSCP addresses the impacts of urban growth, natural habitat loss, and species endangerment and is a plan that mitigates for the potential loss of sensitive species and their habitats. The goal of an MSCP is to maintain and enhance biological diversity in the region and maintain viable populations of endangered, threatened, and key sensitive species and their habitats while promoting regional economic viability through streamlining the land use permit process.

In December 1996, the CDFG and the USFWS approved the San Diego MSCP Subregional Plan, 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 Plan. 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. This Subarea Plan covers 85 species of plants and animals and 23 vegetation types. 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, signed on March 17, 1998, between the USFWS, CDFG, 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 South County Subarea Plan boundaries are subject to the MSCP 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. Ministerial projects are exempt from the BMO.

The protection of sensitive plant and animal species by the MSCP eliminates the need to list the species as endangered under the FESA and CESA, and reduces the costly permit process for private landowners and public agencies. The overall effect of the MSCP is to provide a large, connected preserve system that addresses a number of species at the habitat level, rather than on a species-by-species and area-by-area basis, to create a more effective preserve system, as well as to better protect the rare, threatened, and endangered species.

The County is currently in the process of creating MSCPs for the unincorporated areas of northern and eastern San Diego County (North County MSCP and East County MSCP, respectively). The programs are being modeled after the approved San Diego MSCP. A draft North County MSCP was released for public review on February 19, 2009. Comments received during the public review period are now being used to revise the North County MSCP. A draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), as well as the revised draft North County Plan, will be released for public review in 2013. The draft Plan covers 63 plant and animal species in a 294,849-acre area in North County stretching from Camp Pendleton and the Riverside County line to the community of Ramona. The East County MSCP released a preliminary draft map in 2008. Unfortunately, County budget constraints and staffing reductions have caused progress of the East County MSCP to slow significantly at least through the 2011/2012 fiscal year. Once the budget and staffing constraints are resolved, the East County MSCP development is intended to resume. Because the North and East County Plans have not been adopted, they have no authority, and projects do not have to comply with the plans.

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 to biological resource core areas and to 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), Major Use Permit modifications, Site Plans, and Administrative Permits. 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 86.501–86.509, 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, which is permitted by the FESA pursuant to the Special 4(d) Rule. The HLP is required if coastal sage scrub or related habitat will be impacted, regardless of whether or not the site is currently occupied by coastal California gnatcatcher. 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 impact any coastal sage scrub habitats. HLPs are not required for projects within the boundaries of an adopted MSCP since take authorization is conveyed to those projects through compliance with the MSCP plan.

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 (i.e., Administrative Permit, Major Use Permit, Grading Permit, etc.) 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 off-site facilities for stormwater management to supplement on-site 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. 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).

County of San Diego General Plan

The Conservation and Open Space Element of the County's General Plan provides goals and policies to address effects of prospective development on biological resources. The following policies are applicable to the proposed project:

GP Policy COS-1.2: Minimize Impacts. Prohibit private development within established preserves. Minimize impacts within established preserves when the construction of public infrastructure is unavoidable.

GP Policy COS-2.1: Protection, Restoration, and Enhancement. Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.

GP Policy COS-2.2: Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.

GP Policy COS-3.1: Wetland Protection. Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.

GP Policy COS-3.2: Minimize Impacts of Development. Require development projects to:

- Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and
- Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill materials, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.

2.4.3 Analysis of Project Effects and Determination as to Significance

The proposed project consists of an amendment to the Zoning Ordinance related to equine uses in unincorporated portions of the County over which the County has land use jurisdictions; see Section 1.4, Project Components, for further details. Specifically, the proposed project applies to properties that are zoned with an Animal Designator D–J, L–N, U, V, or X, totaling 344,665 acres. The proposed Zoning Ordinance Amendment is provided as Appendix A to this EIR. Based on the proposed tiered permitting for horse stables, the development of horse stables in certain areas within the County that currently require an MUP may be allowed without a ministerial permit or discretionary permit. Under these circumstances, future equine uses within the Tier One and Tier Two would not be subject to environmental review. The

following impact analysis below has been separated into Tier One/Tier Two and Tier Three/Tier Four to reflect the distinction in the level of review required for the establishment of each use (non-discretionary versus discretionary).

2.4.3.1 Candidate, Sensitive, or Special-Status Species

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of CEQA Guidelines applies to both the direct impact analysis and the cumulative impact analysis. 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 Game or U.S. Fish and Wildlife Service.

Analysis

Special-status species are those species that have been given special recognition by federal, state, or local conservation agencies and organizations due to limited, declining, or threatened population sizes. Candidate species are eligible for listing as federal or state threatened or endangered species. Some equine uses will be located on developed lots or already-cleared areas and will not have an impact on any candidate, sensitive, or special-status species. In these cases, there would be no related ground-disturbing activity or removal of native vegetation. Some future equine uses may be built on land that contains native habitat and possibly even candidate, sensitive, or special-status species, which will be the focus of the below analysis.

Tier One and Tier Two

Tier One and Tier Two uses developed under the proposed Zoning Ordinance Amendment could result in an increase of equine facilities including horse stables, animal enclosures, and pastures, as well as increase the amount of related infrastructure including parking lots, driveways, fences, and buildings, which could potentially impact candidate, sensitive, or special-status species. Although the proposed project could result in more equine facilities and related infrastructure, these facilities would be limited in size according to the Tier One and Tier Two limits on the number of horses per acre and the usable area on the property, as well as the additional setbacks for animal enclosures and structures associated with a horse stable.

Future equine uses within Tier One and Tier Two may be located in areas that would impact a candidate, sensitive, or special-status species. These future equine uses would require ground disturbance that would not be subject to environmental review and, therefore, could affect

sensitive species if habitat is present. For purposes of evaluating equine uses under Tier One and Tier Two, a worst-case scenario disturbance footprint was developed based on CEQA assumptions described in Section 1.4.2 and Table 1-3 in Section 1.0, Project Description, and listed as follows:

1. Construction of Tier One and Tier Two projects would involve the erection of structures associated with equine facilities including horse stables, animal enclosures, and pastures, as well as related infrastructure including parking lots, driveways, fences, and buildings.
2. In order to account for an average deduction of setbacks, single-family homes, other accessory uses, and driveways, 0.5-acre was removed from every qualifying property.
3. It was assumed that all qualifying properties 5 acres or less would be completely built out and all qualifying properties over 5 acres would disturb 5 acres (the maximum allowed under Tier Two).
4. Lands that would not be affected by this project were removed, including tribal lands, institutional, trans/communication/utilities, airports, shopping centers, education, parks, and open space easement and conservation lands.
5. Lands containing slopes of 25% or more were removed because equine uses tend to be located on relatively flat or gently sloping land.

Under this scenario, the maximum ground disturbance for the entire County under Tier One and Tier Two would be a total of 113,941 acres. It should be noted that the ground-disturbance footprint does not include design parameters associated with barriers such as trees and bluffs that are considered on a site-specific basis.

Grading of up to 200 cubic yards (CY) of material for non-agricultural uses would not require discretionary approval (Section 87.202 of the Grading Ordinance), would not be subject to the County's discretionary environmental review process (CEQA), and could occur in areas with candidate, sensitive, or special status species. Grading associated with a building (e.g., barn) would require a ministerial grading permit, reviewed at the building counter, for grading activities not to exceed 2,500 CY and not more than 200 CY of import or export (Section 87.206 of the Grading Ordinance). The ministerial grading permit would not be subject to CEQA; however, MSCP and open space compliance would be reviewed through the ministerial grading checklist thus limiting the potential adverse impact on candidate, sensitive, or special-status species.

If an equine use involves substantial landform modification/grading over 200 CY associated with an arena or other equine facility other than a building or structure, a grading permit would be required and would require further environmental review. Grading permits are discretionary actions which are subject to CEQA as well as the MSCP, BMO, NCCP, Fish and Game Code, CESA, FESA, CWA, and other local or regional plans, policies, or regulations. Compliance with these regulations would avoid or reduce substantial adverse effects to candidate, sensitive, or

special-status plant or wildlife species. In addition, if clearing of land is not specifically exempted, it is subject to Section 87.501 et seq. of the County Code (Clearing Regulations), and a discretionary clearing permit would be required including environmental review. Arenas and other equine type facilities would most likely be located on flat grounds near existing development which would not involve substantial grading that would require a major grading permit.

The environmental design criteria included in the zoning verification process under Tier Two would minimize potential impacts to sensitive species. For example, as part of the zoning verification process, a plot plan would be reviewed by County staff. The plot plan review would include checking legal lot documentation, which would indicate if the site has open space for biologically sensitive areas. If so, these areas would be required to be avoided and additional setbacks would be required. However, there is still potential for the removal of sensitive habitat areas under both Tier One and Tier Two, which would potentially result in significant impacts to candidate, sensitive, or special-status species as no ministerial or discretionary review would be required for Tier One and no discretionary review would be required for Tier Two in certain instances; therefore, the adoption of the proposed Zoning Ordinance Amendment would have a **significant impact (BI-1)**.

Tier Three and Tier Four

Temporary impacts to native vegetation communities could potentially result from temporary parking areas, temporary dirt access roads, and temporary staging areas. Permanent impacts to native vegetation communities could potentially result from the construction of equine facilities and construction of new access roads. Wildlife could potentially be displaced within the areas of development. Site clearing may displace some species or fragment larger blocks of habitat into smaller, isolated tracts. Smaller patches of habitat not only support less wildlife, but also result in isolated populations. This isolation makes populations vulnerable to a lack of genetic diversity, as individuals are less likely to move from patch to patch. Also, fragmentation results in an “edge” effect, in which predators, parasites, and adverse weather conditions are more likely to penetrate a patch of habitat (USFWS 2002).

All future Tier Three and Tier Four equine uses established pursuant to this Zoning Ordinance Amendment would be required to comply with all existing state and federal regulations that ensure the protection of candidate, sensitive, or special-status species, including the FESA and the CESA. Furthermore, as stated above, all future equine uses under Tier Three and Tier Four of this Zoning Ordinance Amendment would continue to require discretionary review and would be subject to the MSCP, BMO, NCCP, Fish and Game Code, FESA, CESA, CWA, and other local or regional plans, policies, or regulations. These projects would be evaluated as part of the County’s discretionary environmental review process (CEQA). If potential impacts would occur, then mitigation measures would be implemented to reduce impacts to the extent feasible.

However, as there is ultimately no guarantee on a project-specific level that mitigation measures would reduce impacts to a level below significant, the proposed project may result in **significant impacts** related to riparian habitat or another sensitive natural community (**BI-2**).

2.4.3.2 *Riparian Habitat or Sensitive Natural Community*

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the CEQA Guidelines applies to both the direct impact analysis and the cumulative impact analysis. 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 Game or U.S. Fish and Wildlife Service.

This guideline is intended to protect riparian or other sensitive habitats.

Analysis

Riparian vegetation occurs along rivers, streams, and other drainages in the County. Riparian areas connect terrestrial and aquatic habitats and provide linkages between water bodies and upstream vegetation communities. Some equine uses will be located on developed lots or already-cleared areas and will not have an impact on any riparian or sensitive natural community. Some future equine uses may be built on land that contains riparian habitat or another sensitive natural community and would impact these resources through ground-disturbing activities, which will be the focus of the below analysis.

The proposed project is not subject to the RPO which has provisions for protection of sensitive habitat lands, including riparian resources, because the RPO does not apply to Zoning Ordinance amendments, ministerial projects, Administrative Permits for clearing, or for Grading Permits (Section 86.603(a)).

Tier One and Tier Two

Tier One and Tier Two uses developed under the proposed Zoning Ordinance Amendment could result in an increase of equine facilities including horse stables, animal enclosures, and pastures, as well as increase the amount of related infrastructure including parking lots, driveways, fences, and buildings, which could potentially impact riparian habitat or sensitive natural communities. Although the proposed project could result in more equine facilities and related infrastructure, these facilities would be limited in size according to the Tier One and Tier Two limits on the number of horses and acres, and the usable area on the property.

Future equine uses within Tier One and Tier Two may be located in areas that would impact a riparian habitat or sensitive natural community. These future equine uses would require ground disturbance that would not be subject to environmental review and, therefore, could adversely affect sensitive vegetation communities. For purposes of evaluating equine uses under Tier One and Tier Two, a worst-case scenario disturbance footprint was developed based on CEQA assumptions described in Section 1.4.2 and Table 1-3 in Section 1.0, Project Description. For equine uses under Tier One and Tier Two, the worst-case footprint determines that approximately 113,941 acres of total ground disturbance could potentially result for the entire County based on parcels and animal use designations (refer to Section 1.4.2 for further details).

Grading of up to 200 CY of material for non-agricultural uses would not require discretionary approval (Section 87.202 of the Grading Ordinance) and would not be subject to the County's discretionary environmental review process (CEQA), although grading of up to 200 CY of material or other types of exempt grading could occur in areas with candidate, sensitive, or special status species. Grading associated with a building (e.g., barn) would require a ministerial grading permit, reviewed at the building counter, for grading activities not to exceed 2,500 CY and not more than 200 CY of import or export (Section 87.206 of the Grading Ordinance). The ministerial grading permit would not be subject to CEQA; however, MSCP and open space compliance would be reviewed through the ministerial grading checklist thus limiting the potential adverse impact on riparian habitat or another sensitive natural community.

If an equine use involves substantial landform modification/grading over 200 CY associated with an arena or other equine facility other than a building or structure, a major grading permit would be required and would require further environmental review. Major grading permits are discretionary actions which are subject to CEQA as well as the MSCP, BMO, NCCP, Fish and Game Code, ESA, CWA, and other local or regional plans, policies, or regulations. Compliance with these regulations would avoid or reduce substantial adverse effects to candidate, sensitive, or special-status plant or wildlife species. In addition, if clearing of land in preparation for construction of a building for an equine use is not specifically exempted, it is subject to Section 87.501 et seq. of the County Code (clearing of land for non-agricultural purposes) and Grading Ordinance 87.504 (provision for non-agricultural clearing); a discretionary clearing permit would be required and would require further environmental review. Arenas and other equine type facilities other than a building would most likely to be located on flat grounds, near existing development which would not involve substantial grading that would require a major grading permit.

The environmental design criteria included in the zoning verification process under Tier Two would minimize potential impacts to riparian habitat or sensitive natural communities. For example, as part of the zoning verification process, a plot plan would be reviewed by County staff. The plot plan review would include checking legal lot documentation, which would indicate if the site has open space for biologically sensitive areas. If so, these areas would be

required to be avoided and additional setbacks may be required. However, there is still potential for the removal of riparian habitat or sensitive natural communities under both Tier One and Tier Two, which would potentially result in significant impacts to riparian habitat or sensitive natural communities as no ministerial or discretionary review would be required for Tier One or for Tier Two in certain instances; therefore, the adoption of the proposed Zoning Ordinance Amendment would have a **significant impact (BI-3)**.

Tier Three and Tier Four

The proposed project would allow equine uses that fall under Tier Three with an Administrative Permit and equine uses that fall under Tier Four would continue to require a Major Use Permit. Under these tiers, discretionary review would still be required and projects would be evaluated as part of the County's discretionary environmental review process (CEQA) and would be required to implement measures to minimize impacts to riparian habitat or sensitive natural community, as necessary. CEQA requires proposed projects to provide detailed information on the potentially significant environmental effects they are likely to have, list ways in which the significant environmental effects would be minimized, and possibly identify alternatives that would reduce or avoid the significant impacts identified for the project.

Pursuant to the County's Report Format and Content Requirements: Biological Resources (County of San Diego 2010c), when native or sensitive vegetation communities are present on a project site, a Biological Resources Report is required. The report would assess site-specific conditions, analyze the potential effects of projects, and require projects to apply the maximum feasible mitigation, as necessary. Additionally, the Administrative Permit and MUP are subject to RPO, MSCP, BMO, NCCP, and other local or regional plans, policies, or regulations. The County's RPO, in particular, has provisions for the protection of sensitive habitat lands, including riparian resources. However, as there is ultimately no guarantee on a project-specific level that mitigation measures would reduce impacts to a level below significant, the proposed project may result in **significant impacts** related to riparian habitat or another sensitive natural community (**BI-4**).

2.4.3.3 *Federally Protected Wetlands*

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the CEQA Guidelines applies to both the direct impact analysis and the cumulative impact analysis. 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.

This guideline is intended to protect federally defined wetlands.

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 to 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. The proposed project would allow development of equine uses that could adversely affect federally defined wetlands through ground-disturbing activities.

Tier One and Tier Two

Tier One and Tier Two uses developed under the proposed Zoning Ordinance Amendment could result in an increase of equine facilities including horse stables, animal enclosures, and pastures, as well as increase the amount of related infrastructure including parking lots, driveways, fences, and buildings, which could potentially impact wetlands. Although the proposed project could result in more equine facilities and related infrastructure, these facilities would be limited in size according to the Tier One and Tier Two limits on the number of horses and acres, and the usable area on the property.

Future equine uses within Tier One and Tier Two may be located in areas that would impact federally protected wetlands as defined by Section 404 of the CWA. At the federal level, the ACOE and RWQCB regulate the discharge of dredged or fill material into waters of the United States under Sections 404 and 401 of the CWA. Section 401 of the CWA requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States 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 to all wetlands, the California Porter–Cologne Water Quality Control Act directs the RWQCBs to develop regional Basin Plans, which, for the San Diego Region, is designed to preserve and enhance the quality of water resources in the region. At the local level, both the WPO and the Zoning Ordinance include special protections for wetlands that would apply to federally protected wetlands, such as prohibiting polluted non-stormwater discharges to the stormwater conveyance system and receiving waters, establishing requirements to prevent and reduce pollution to water resources, and requiring wetland buffers that protect the

environmental and functional habitat values of wetlands. Compliance with these permit requirements and regulations will avoid substantial adverse impacts to federally protected wetlands. If potentially significant impacts would occur, then mitigation measures would be implemented to reduce impacts to the extent feasible to meet the no-net-loss standard for federally protected wetlands. Impacts would be **less than significant**.

Tier Three and Tier Four

The proposed project would allow equine uses that fall under Tier Three with an Administrative Permit and equine uses that fall under Tier Four would continue to require an MUP. Under these tiers, discretionary review would still be required and projects would be evaluated as part of the County's discretionary environmental review process (CEQA) and would be required to implement measures to minimize impacts to wetlands, as necessary. CEQA requires proposed projects to provide detailed information on the potentially significant environmental effects they are likely to have, list ways in which the significant environmental effects would be minimized, and possibly identify alternatives that would reduce or avoid the significant impacts identified for the project.

Pursuant to the County's Report Format and Content Requirements: Biological Resources (County of San Diego 2010c), when wetlands are present on a project site, a Biological Resources Report is required. The report would assess site-specific conditions, analyze the potential effects of projects and require projects to apply the maximum feasible mitigation, as necessary.

In addition, at the federal level, the ACOE and RWQCB regulate the discharge of dredged or fill material into waters of the United States under Sections 404 and 401 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 to all wetlands, the California Porter-Cologne Water Quality Control Act directs the RWQCBs to develop regional Basin Plans, which, for the San Diego Region, is designed to preserve and enhance the quality of water resources in the region. At the local level, the RPO restricts impacts from Administrative Permits and MUPs to various wetlands, wetland buffers, floodways, and floodplain fringe areas, which would 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 will avoid substantial adverse impacts to federally protected wetlands. Impacts would be **less than significant**.

2.4.3.4 *Wildlife Movement*

Guidelines for the Determination of Significance

The following significance guideline from Appendix G of the CEQA Guidelines applies to both the direct impact analysis and the cumulative impact analysis. 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.

This guideline is intended to ensure no interference or prevention of wildlife movement.

Analysis

The project area has a generally semiarid environment that supports a wide range of habitats and biological communities. These habitats and communities range from grasslands to shrublands to coniferous forests. Additionally, these habitats and communities vary greatly depending on the ecoregion, soils and substrate, elevation, and topography. Terrain within the project area varies from west to east, sloping up from the ocean, transitioning to rolling hills, and then steep mountains that finally give way to flat to gently sloping deserts. For the most part, wildlife movement through the eastern portion of the County is unconstrained. North–south wildlife movement is generally constrained by Interstate 8 (I-8), the U.S.–Mexico international border fence, and to a lesser extent, scattered rural development and property fencing. The proposed project would allow development of equine facilities that could adversely affect wildlife movement through building structures on land that contains native habitat and possibly on land that provides linkages to wildlife corridors. Future development under the proposed Zoning Ordinance Amendment would also have the potential to result in a significant impact to nursery sites. Nursery sites are located throughout the unincorporated County and include areas that provide the resources necessary for reproduction of a species, including foraging habitat, breeding habitat, and water sources.

Tier One and Tier Two

Tier One and Tier Two uses developed under the proposed Zoning Ordinance Amendment could result in an increase of equine facilities including horse stables, animal enclosures, and pastures, as well as increase the amount of related infrastructure including parking lots, driveways, fences, and buildings, which could potentially impact wildlife corridor or wildlife nursery sites. Although the proposed project could result in more equine facilities and related infrastructure, these facilities would be limited in size according to the Tier One and Tier Two limits on the number of horses and acres, the usable area on the property.

Future equine uses within Tier One and Tier Two may be located in areas that would impact a wildlife corridor or native wildlife nursery site. These future equine uses would require ground disturbance that would not be subject to environmental review and, therefore, could adversely affect wildlife corridors or native wildlife nursery sites. For purposes of evaluating equine uses under Tier One and Tier Two, a worst-case scenario disturbance footprint was developed based on CEQA assumptions described in Section 1.4.2 and Table 1-3 in Section 1.0, Project Description. For equine uses under Tier One and Tier Two, the worst-case footprint determines that approximately 113,941 acres of total ground disturbance could potentially result for the entire County based on parcels and animal use designations (refer to Section 1.4.2 for further details). Future equine uses would generally be located near existing development as it may be considered an accessory use in which existing disturbance may not be considered primary for wildlife corridors or use of native wildlife nursery sites. Setbacks, usable area, manure management, and best management practices may reduce some impacts. However, the proposed project may result in **significant impacts** due to the introduction of new structures and horses, or due to ground disturbance that could potentially interfere with wildlife movement or impede the use of nursery sites (**BI-5**).

Tier Three and Tier Four

The proposed project would allow equine uses that fall under Tier Three with an Administrative Permit and equine uses that fall under Tier Four would continue to require an MUP. Under these tiers, discretionary review would still be required and projects would be evaluated as part of the County's discretionary environmental review process (CEQA) and would be required to implement measures to minimize impacts to wildlife corridors, as necessary. CEQA requires proposed projects to provide detailed information on the potentially significant environmental effects they are likely to have, list ways in which the significant environmental effects would be minimized, and possibly identify alternatives that would reduce or avoid the significant impacts identified for the project.

Pursuant to the County's Report Format and Content Requirements: Biological Resources (County of San Diego 2010c), when native or sensitive vegetation communities are present on a project site, a Biological Resources Report is required. The report would analyze the potential effects of private and public projects on wildlife movement, corridors, and nursery sites. The report would assess site-specific conditions and would require projects to apply the maximum feasible mitigation, as necessary.

In addition, the MSCP South County Subarea Plan covers the southwest portion of the unincorporated County. Pursuant to the BMO, discretionary projects must generally avoid corridors and linkages within the MSCP to the maximum extent practicable. The County is preparing MSCP plans (north and east) to cover the remaining lands under the County's

jurisdiction. Potential habitat linkages and corridors have been identified for the draft North County Plan; however, these features will not be formally designated until the plan is adopted. Linkages and corridors have not yet been identified for the draft East County Plan.

The proposed project may result in direct impacts to wildlife movement and nurseries due to the introduction of new structures and horses. Indirect effects may also occur from increased noise levels or nighttime lighting that would discourage movement within corridors or linkages. Potential direct and indirect impacts to wildlife corridors and nursery sites will vary based on location and design of equine related structures. As there is ultimately no guarantee on a project-specific level that mitigation measures would reduce impacts to a level below significant, the proposed project may result in **significant impacts** to wildlife corridors or wildlife nursery sites (**BI-6**).

2.4.3.5 *Local Policies, Ordinances, Adopted Plans*

Determination of Significance

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

- The project would conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan.

This guideline is intended to ensure conformance with applicable regional plans.

Analysis

As described previously in Section 2.4.2, Regulatory Setting, the County's local policies and ordinances that protect biological resources include the MSCP Plan, RPO, BMO, and HLP Ordinance. The proposed Zoning Ordinance Amendment applies to properties that are zoned with an Animal Designator D–J, L–N, U, V, or X.

Tier One and Tier Two

Tier One and Tier Two uses developed under the proposed Zoning Ordinance Amendment could result in an increase of equine facilities including horse stables, animal enclosures, and pastures, as well as increase the amount of related infrastructure including parking lots, driveways, fences, and buildings, which could potentially impact local policies, other ordinances, or habitat conservation plans. Although the proposed project could result in more equine facilities and related infrastructure, these facilities would be limited in size according to the Tier One and Tier Two limits on the number of horses and acres, and the usable area on the property.

Ministerial permits are covered by the MSCP and exempt from requirements of the local ordinances such as BMO, RPO, and HLP Ordinance. Therefore, impacts to the MSCP or other habitat conservation plans for projects under Tier Two are considered to be less than significant. Since Tier One would not require any ministerial permits, such as the Zoning Verification Permit, no MSCP compliance would be required. Although equine uses would be located near existing development, there is no guarantee future equine uses under Tier One would not hinder or interfere with the assembly of the MSCP preserve or conflict with the provisions of local ordinances such as the RPO. Therefore, future equine facilities developed under Tier One could potentially conflict with local policies or ordinances protecting biological resources, and impacts are **potentially significant (BI-7)**.

Tier Three and Tier Four

The proposed project would allow equine uses that fall under Tier Three with an Administrative Permit and equine uses that fall under Tier Four would continue to require an MUP. Under these tiers, discretionary review would still be required and projects would be evaluated as part of the County's discretionary environmental review process (CEQA) and would be required to implement measures to minimize impacts to an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan, as necessary. CEQA requires proposed projects to provide detailed information on the potentially significant environmental effects they are likely to have, list ways in which the significant environmental effects would be minimized, and possibly identify alternatives that would reduce or avoid the significant impacts identified for the project.

All discretionary projects located within the boundaries of the existing MSCP South County Subarea Plan are reviewed for consistency with the Plan and the BMO. The BMO provides predetermined mitigation ratios, directs mitigation to biological resource core areas, and establishes criteria for project design and preserve design in order to be consistent with the MSCP Plan. Section 86.503(a) of the BMO lists the types of projects that are exempt from the BMO. While some projects would be exempt from the BMO, they must still conform to the MSCP South County Subarea Plan. If a project is in the County's adopted Subarea Plan, MSCP Conformance Findings must be prepared for the project based on both MSCP and BMO standards.

Outside of the MSCP South County Subarea Plan boundary, the Southern California Coastal Sage Scrub NCCP is in effect. This program enables the County to benefit from interim take provisions established in the USFWS special rule (4[d]). The interim take refers to the authorization for removal of coastal sage scrub and/or any incidental impacts to target species (such as coastal California gnatcatcher and orange-throated whiptail) if achieved in accordance with findings set forth in the NCCP Process Guidelines. Application of the NCCP Process Guidelines and the HLP Ordinance to projects with the potential to impact coastal sage scrub ensures that development will not conflict with the provisions of the Southern California Coastal

Sage Scrub NCCP program. This interim process is proposed to be replaced with established MSCP Plans for North County and East County. Until then, authorization to impact coastal sage scrub is issued in the form of an HLP. For projects that will affect coastal sage scrub, NCCP 4(d) findings must be made to the satisfaction of the USFWS and the CDFW.

Administrative Permits and MUPs are also subject to the RPO, which requires applicable projects to protect steep slopes, preserve sensitive habitat lands, avoid wetlands and wetland buffers, and protect floodplain and floodplain fringe areas. In addition, the discretionary review process for Administrative Permits and MUPs includes review of any other applicable NCCP or HCP to ensure that its provisions are met. Since future equine use projects proposed under the Zoning Ordinance Amendment would be required to comply with applicable local polices and ordinances regulating biological resources, including adopted NCCPs and HCPS, impacts would be **less than significant**.

2.4.4 Cumulative Impact Analysis

The geographic scope of cumulative impact analysis for biological resources varies depending on the type of resource with potential to be impacted. For the purpose of this EIR, the geographic scope for the cumulative analysis of biological resources includes the County, including both incorporated and unincorporated areas and surrounding counties.

2.4.4.1 *Candidate, Sensitive, or Special-Status Species*

Cumulative projects located in the County would have the potential to result in impacts to candidate, sensitive, or special-status species, including loss of habitat. The MSCP addresses biological resources and provides protection of 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 adopted MSCP Subarea Plan. In project areas not subject to the adopted MSCP Subarea Plan, a comprehensive regional plan for habitat and species conservation does not exist, and incremental contributions to the impacts assessed could occur. For example, the General Plan Update project identified significant unavoidable impacts to special-status species and their habitats in areas of the unincorporated County outside of the MSCP boundaries. Projects listed in Table 1-5a, Private Projects Not Included in the General Plan Update, in Section 1.0, Project Description, and other projects in adjacent jurisdictions would be required to comply with applicable federal and/or state regulations, such as the FESA, CESA, and NCCP, and may require approval from the USFWS and the CDFW. However, 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 after mitigation has been implemented on an individual project basis.

Tier One and Tier Two

As described in Section 2.4.3.1, future equine facilities under Tier One and Tier Two may result in a potentially significant adverse impact to a candidate, sensitive, or special-status species since they could potentially result in excavation and grading activities that are not subject to discretionary review. Therefore, the development of equine facilities under the proposed project would contribute to a **cumulatively considerable impact (BI-8)**.

Tier Three and Tier Four

As described in Section 2.4.3.1, all future equine facilities under Tier Three and Tier Four are required to comply with the MSCP, BMO, NCCP, and other such regulations prior to approval. However, as there is ultimately no guarantee on a project-specific level that mitigation measures will reduce impacts to a level below significant, the proposed project may result in significant impacts related to candidate, sensitive, or special-status species. Therefore, the development of equine uses under the proposed project would contribute to a **cumulatively considerable impact (BI-9)**.

2.4.4.2 Riparian Habitat or Sensitive Natural Community

Cumulative projects located in the County would have the potential to result in impacts to riparian habitat or sensitive natural communities through direct and indirect loss or degradation. Some projects included in Table 1-5a, Private Projects Not Included in the General Plan Update, in Section 1.0, Project Description, are large developments that are planned within undeveloped areas and could affect riparian habitat. For example, the Jacumba Valley Ranch project in the Mountain Empire Subregion proposes 2,125 new residential units on 1,216 acres, impacting substantial areas of habitat. Other projects in adjacent jurisdictions would be required to comply with applicable federal and/or state regulations, such as the California Lake and Streambed Alteration Program or the NCCP. These programs provide protections for riparian and other sensitive habitats. However, without a comprehensive NCCP plan in place for the entire Southern California region, 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.

Tier One and Tier Two

As described in Section 2.4.3.2, future equine facilities under Tier One and Tier Two may result in a **cumulatively considerable impact** to a riparian habitat or another sensitive natural community since they could potentially result in excavation and grading activities, which are not subject to discretionary review (**BI-10**).

Tier Three and Tier Four

As described in Section 2.4.3.2, all future equine facilities under Tier Three and Tier Four are required to comply with the MSCP, BMO, NCCP, and other such regulations prior to approval.

However, as there is ultimately no guarantee on a project-specific level that mitigation measures will reduce impacts to a level below significant, the proposed project may result in significant impacts related to riparian habitat or another sensitive natural community. Therefore, the development of equine facilities under the proposed project would contribute to a **cumulatively considerable impact (BI-11)**.

2.4.4.3 Federally Protected Wetlands

Cumulative projects located in the San Diego region would have the potential to result in a cumulative impact associated with federally protected wetlands. For example, some projects listed in Table 1-5a, Private Projects Not Included in the General Plan Update, in Section 1.0, Project Description, are large developments that are planned within undeveloped areas and could have the potential to affect federally protected wetlands. Rancho Lilac in Valley Center is one project that proposes 360 new residential units in an area that potentially contains federally protected wetlands. Other projects in adjacent jurisdictions would be required to comply with applicable federal and/or state regulations, such as Sections 401 and 404 of the CWA. If potentially significant impacts would occur from cumulative projects, then mitigation measures would be implemented to reduce impacts to the extent feasible to meet the no-net-loss standard. Existing regulations would ensure that a significant cumulative impact associated with federally protected wetlands would not occur.

Tier One and Tier Two

As described in Section 2.4.3.3, all future equine facilities under Tier One and Tier Two would be required to comply with applicable federal regulations, such as Sections 401 and 404 of the CWA. Therefore, the development of equine facilities under the proposed project **would not contribute to a cumulatively considerable impact**.

Tier Three and Tier Four

As described in Section 2.4.3.3, all future equine facilities under Tier Three and Tier Four are required to comply with federal regulations such as Section 401 and 404 of the CWA. 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 will avoid substantial adverse impacts to federally protected wetlands. Therefore, the development of equine facilities under the proposed project **would not contribute to a cumulatively considerable impact**.

2.4.4.4 *Wildlife Movement*

Cumulative projects located in the San Diego region would have the potential to result in a cumulative impact associated with wildlife movement corridors and nursery sites. For example, development of projects such as the proposed high-occupancy vehicle connector between Interstate 15 (I-15) and State Route 94 (SR-94) as a part of the San Diego Regional Transportation Plan would have the potential to block an existing wildlife movement corridor or remove habitat used as a nursery site. Adjacent jurisdictions, including incorporated cities, adjacent 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. 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.

Tier One and Tier Two

As described in Section 2.4.3.4, future equine facilities under Tier One and Tier Two could potentially result in the introduction of new structures and horse enclosures that could interfere with wildlife movement or impede use of nursery sites. Therefore, the development of equine facilities under the proposed project could contribute to a **cumulatively considerable impact (BI-12)**.

Tier Three and Tier Four

As described in Section 2.4.3.4, some future equine uses may result in impacts to wildlife corridors and nursery sites. As there is ultimately no guarantee on a project-specific level that mitigation measures will reduce impacts to a level below significant, the proposed project could contribute to a **cumulatively considerable impact (BI-13)**.

2.4.4.5 *Local Policies, Ordinances, and Adopted Plans*

Cumulative projects under the County's jurisdiction are required to comply with applicable local policies and ordinances, such as the MSCP Plan or the Southern California Coastal Sage Scrub NCCP Process Guidelines, in order for such projects to be approved. For example, the cumulative projects in the unincorporated County listed in Table 1-5a, Private Projects Not Included in the General Plan Update, in Section 1.0, Project Description, are subject to local County of San Diego policies and ordinances. However, it cannot be determined with certainty that regional projects in other jurisdictions would conform to applicable local ordinances.

Tier One and Tier Two

As described in Section 2.4.3.5, all equine facilities under Tier Two will be screened during the zoning verification to ensure they do not conflict with the RPO, MSCP, BMO, NCCP, and other such regulations prior to approval. Therefore, no cumulative impacts from Tier Two equine uses are anticipated. However, equine facilities under Tier One would not require any ministerial or discretionary actions and thus would be developed without assurance that the placement of the equine use would not conflict with the RPO, MSCP, BMO, NCCP, and other such regulations. Therefore, the equine uses under Tier One **would contribute to a cumulatively considerable impact (BI-14)**.

Tier Three and Tier Four

As described in Section 2.4.3.5, all future equine facilities are required to comply with the RPO, MSCP, BMO, NCCP, and other such regulations prior to approval. Therefore, the proposed project **would not contribute to a cumulatively considerable impact**.

2.4.5 Significance of Impacts Prior to Mitigation

The proposed project would result in potentially significant impacts associated with biological resources including special-status species (**BI-1, BI-2, BI-8, and BI-9**) and riparian and other sensitive natural communities (**BI-3, BI-4, BI-10, and BI-11**), as well as wildlife movement corridors (**BI-5, BI-6, BI-12, and BI-13**) and local policies and ordinances (**BI-7 and BI-14**). The proposed project would not result in potentially significant impacts to wetlands.

2.4.6 Mitigation Measures

2.4.6.1 Candidate, Sensitive, or Special-Status Species

The proposed project would allow for the development of equine facilities under Tier One without a ministerial or discretionary permit, under Tier Two with a Zoning Verification Permit, under Tier Three with an Administrative Permit, and under Tier Four with an MUP that would have significant adverse direct or indirect effects to candidate, sensitive, or special-status species (**BI-1, BI-2, BI-8, and BI-9**). The mitigation measure described below has been identified to reduce potentially significant impacts, but not below a significant level.

Mitigation Measure

M BI-1: During the environmental review process for future Administrative Permits and Major Use Permits for equine uses, the County Guidelines for Determining Significance for Biological Resources shall be applied. When impacts to

biological resources are determined to be significant, feasible and appropriate project-specific mitigation measures shall be incorporated. 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 Measure

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.

2.4.6.2 *Riparian Habitat or Sensitive Natural Community*

The proposed project would allow for the development of equine facilities under Tier One without a ministerial or discretionary permit, under Tier Two with a Zoning Verification Permit, under Tier Three with an Administrative Permit, and under Tier Four with an MUP that would have significant adverse effects to riparian habitat or sensitive natural communities (**BI-3, BI-4, BI-10, and BI-11**). Mitigation measure **M BI-1**, listed in Section 2.4.6.1 above, is also applicable to this issue and is incorporated here by reference. Incorporation of this mitigation measure could reduce potentially significant impacts to riparian habitat and sensitive natural communities, but not below a significant level.

Infeasible Mitigation Measure

The following mitigation measure was considered in attempting to reduce impacts associated with riparian habitat or 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 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 riparian habitat or sensitive natural communities as compared to the proposed project.

2.4.6.3 Federally Protected Wetlands

The proposed project will not result in any significant impacts to federally protected wetlands, and no mitigation measures are required.

2.4.6.4 Wildlife Movement

The proposed project would allow for the development of equine facilities under Tier One without a ministerial or discretionary permit, under Tier Two with a Zoning Verification Permit, under Tier Three with an Administrative Permit, and under Tier Four with an MUP that would have significant adverse effects to wildlife corridors (**BI-5**, **BI-6**, **BI-12**, and **BI-13**). Mitigation measure **M BI-1**, listed in Section 2.4.6.1 above, is also applicable to this issue and is incorporated here by reference. Incorporation of this mitigation measure could reduce potentially significant impacts to wildlife movement corridors and nursery sites, but not below a significant level.

Infeasible Mitigation Measure

The following measure 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 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 wildlife movement corridors and nursery sites as compared to the proposed project.

2.4.6.5 Local Policies, Ordinances, and Adopted Plans

The proposed project would allow for the development of equine facilities under Tier One without a ministerial or discretionary permit that would potentially be inconsistent with local policies, ordinances, and adopted plans (**BI-7** and **BI-14**). Because these future equine uses would not be subject to ministerial or discretionary review, there are no mitigation measures that could reduce impacts to less than significant.

2.4.7 Conclusion

The following discussion provides a synopsis of the conclusion reached in each of the above impact analyses, and the level of impact that would occur after mitigation measures are implemented.

Candidate, Sensitive, or Special-Status Species

Development of equine facilities pursuant to the proposed Zoning Ordinance Amendment would have the potential to result in significant adverse effects to candidate, sensitive, or special-status species. Therefore, impacts would be potentially significant (**BI-1** and **BI-2**). The proposed project would also potentially contribute to cumulatively considerable impacts to candidate, sensitive, or special-status species (**BI-8** and **BI-9**). The mitigation measures would reduce direct and cumulative impacts, but not to below a level of significance.

Riparian Habitat or Sensitive Natural Community

Development of equine facilities pursuant to the proposed Zoning Ordinance Amendment would have the potential to result in significant adverse effects to riparian habitat or sensitive natural communities. Therefore, impacts would be potentially significant (**BI-3** and **BI-4**). The proposed project would also potentially contribute to cumulatively considerable impacts to riparian habitat or sensitive natural communities (**BI-10** and **BI-11**). The mitigation measures would reduce direct and cumulative impacts, but not to below a level of significance.

Federally Protected Wetlands

The project will not result in significant impacts to federally protected wetlands.

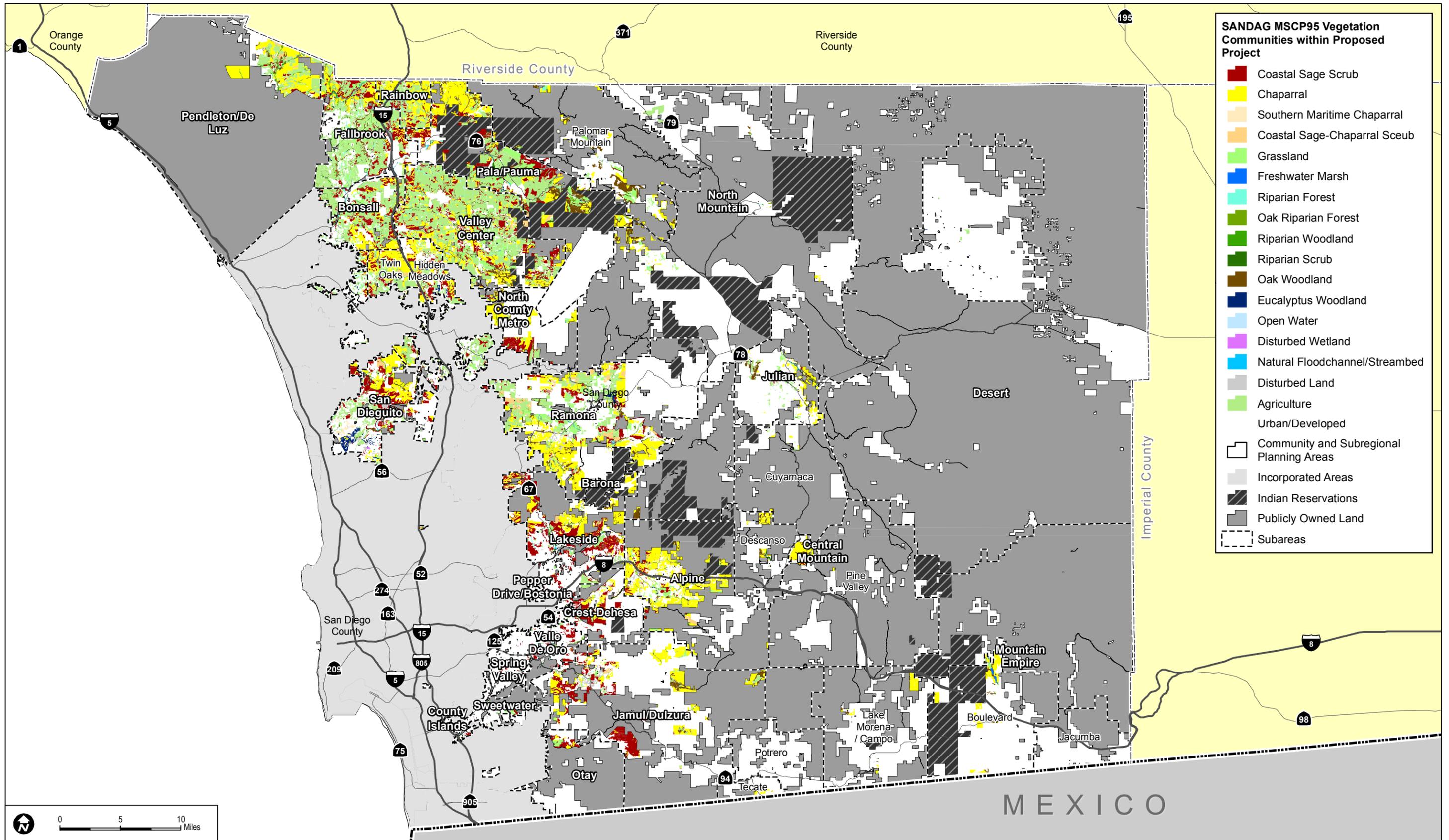
Wildlife Movement

Development of equine facilities pursuant to the proposed Zoning Ordinance Amendment would have the potential to result in significant adverse effects to wildlife corridors and nursery sites. Therefore, impacts would be potentially significant (**BI-5** and **BI-6**). The proposed project would also potentially contribute to cumulatively considerable impacts to wildlife corridors (**BI-12** and **BI-13**). The mitigation measures would reduce direct and cumulative impacts, but not to below a level of significance.

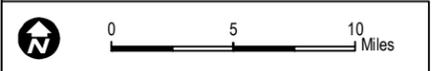
Local Policies, Ordinances, and Adopted Plans

Development of equine facilities under Tier One pursuant to the proposed Zoning Ordinance Amendment would have the potential to result in significant adverse effects to local policies, ordinances, and adopted plans. Therefore, impacts would be potentially significant (**BI-7**). The proposed project would also potentially contribute to cumulatively considerable impacts to local policies, ordinances, and adopted plans (**BI-14**). There are no mitigation measures that would reduce direct and cumulative impacts to below a level of significance.

Development of equine facilities under Tier Two, Tier Three, and Tier Four will not result in significant impacts to local policies, ordinances, and adopted plans.



- SANDAG MSCP95 Vegetation Communities within Proposed Project**
- Coastal Sage Scrub
 - Chaparral
 - Southern Maritime Chaparral
 - Coastal Sage-Chaparral Suceb
 - Grassland
 - Freshwater Marsh
 - Riparian Forest
 - Oak Riparian Forest
 - Riparian Woodland
 - Riparian Scrub
 - Oak Woodland
 - Eucalyptus Woodland
 - Open Water
 - Disturbed Wetland
 - Natural Floodchannel/Streambed
 - Disturbed Land
 - Agriculture
 - Urban/Developed
 - Community and Subregional Planning Areas
 - Incorporated Areas
 - Indian Reservations
 - Publicly Owned Land
 - Subareas



DUDEK

SOURCE: SanGIS, SANDAG; USGS

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County Equine Ordinance EIR

**FIGURE 2.4-1
Vegetation Map**

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