

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
FOR FUERTE RANCH ESTATES;
GPA 03-006, R03-017, TM 5343, ER 03-14-060**

October 12, 2007

I. Introduction

The project is a major subdivision and residential development of 27.3 acres into forty residential parcels. The project site is located at the intersection of Fuerte Drive and Damon Lane in the Valle de Oro Community Planning area within unincorporated San Diego County (APN 498-153-01).

The project site contains two existing single-family residences and several structures associated with intense farming operations. The site supported the former Hooper Poultry Farms chicken ranch for 80 years, and much of the site still contains rows of hen houses containing mostly disused coops. Surrounding these facilities are storage sheds, machinery, and other evidence of this intense agricultural operations. The site is a single, large, primarily flat parcel with elevations ranging from approximately 540 to 620 feet. Surrounding land uses include residential developments to the north, west, and east; and Damon Lane County Park to the south.

A drainage bisects the property from north to south and has cut a small ravine through the south of the site. Habitats onsite consist of developed land, freshwater marsh, southern willow scrub, mule fat scrub, disturbed wetland, disturbed emergent wetland, non-native grassland, non-native vegetation, and intensive agriculture.

There were no County-sensitive plant species detected onsite. Two County-sensitive wildlife species were observed on-site: Cooper's hawk (*Accipiter cooperii*) and Western bluebird (*Sialia mexicana*). The project will be conditioned to prevent any disturbance during avian breeding season. The site is within the Metro-Lakeside-Jamul segment of the County Subarea Plan and is not considered a Biological Resource Core Area (BRCA).

The proposed project would impact approximately 0.91 acre of sensitive habitat, which includes 0.06 acre of freshwater marsh, 0.15 acre of southern willow scrub, less than 0.01 acre of mule fat scrub, 0.14 acre of disturbed wetland, 0.11 acre of disturbed emergent wetland, and 0.45 acre of non-native grassland on and off site (Table 1). The impacts will consist of clearing, grading, construction, and associated road improvements of 37 additional houses to be developed.

The wetlands on-site were determined not to qualify as Resource Protection Ordinance (RPO) wetlands pursuant to Section 86.602(q)(2)(bb) of the RPO. To mitigate for the loss of .46 acres of wetland habitat off site purchase of habitat at a

1:1 ratio will be required. To mitigate for the loss of .45 acre of non native grassland off site purchase of habitat at a .5:1 ratio will also be required.

The proposed project would impact a total of 0.07 acres of habitat under U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdiction. This includes permanent impacts to 0.01 acres of freshwater marsh, and 0.03 acres of non-wetland Waters of the U.S. There would be temporary impacts to 0.03 acre of non-wetland Waters of the U.S. through realignment of the channel through the site. The project will be conditioned to obtain the appropriate 1600 permit from CDFG and a 401/404 permit from the Regional Water Quality Control Board and the ACOE.

Table 1. Impacts to Habitat and Required Mitigation

VEGETATION COMMUNITY/HABITAT†	EXISTING (On- and Off- site)	IMPACTS		MITIGATION	
		On-site	Off-site	Ratio	Required
Tier I					
Freshwater marsh (52410)	0.06	0.06	--	1:1	0.06
Southern willow scrub (63320)	0.15	0.15	--	1:1	0.15
Mule fat scrub (63310)	<0.01	<0.01	--	1:1	<0.01
Disturbed wetland (11200)	0.14	0.14	--	1:1	0.14
Disturbed emergent wetland (52440)	0.11	0.11	--	1:1	0.11
Subtotal	0.46	0.46	0.00	--	0.46
Tier III					
Non-native grassland (including disturbed; 42200)	0.45§	0.40	0.05	0.5:1	0.23
Subtotal	0.45§	0.40	0.05	0.5:1	0.23
Other					
Non-native vegetation (11000)	0.60	0.60	--	--	--
Intensive agriculture (18000)	4.27	4.27	--	--	--
Disturbed habitat (11300)	13.57	13.57	--	--	--
Developed (12000)	7.95	7.95	--	--	--
Subtotal	26.39	26.39	0.00	--	0.00
TOTAL	27.30	27.25	0.05	--	0.69
†Community names and codes are from Holland (1986) and Oberbauer (1996) §Existing non-native grassland acreages include 0.40 on-site and 0.05 off-site					

The findings contained within this document are based on County records, staff field site visits and the Biological Technical Report (Helix Environmental Planning, Inc., September 25, 2007). The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall require new findings based on the environmental conditions at that time.

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

II. Biological Resource Core Area Determination

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

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

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

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

The site is located adjacent to PAMA to the south of the property. The PAMA to the south is located within Damon Lane County Park. Although the land is adjacent to PAMA the project site has had a history of disturbances associated with Hooper Chicken Ranch, in operation for 80 years. There are also existing dense residential developments to the north, west, and east of the property. There were no County-sensitive plant species detected on-site.

Two County-sensitive wildlife species were observed on site: Cooper's hawk (*Accipiter cooperii*) and Western bluebird (*Sialia mexicana*). The project site has little potential to support biological resources that would contribute to the long-term survival of any sensitive species.

- ii. **The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
 - a. **Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. **Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. The site would not assist in local wildlife movement due to the existing agriculture and habitat fragmentation on and around the site. The wetlands on site lack appropriate hydrology and vegetative cover to function as a significant movement corridor. The site is not land that contains topography that necessarily serves to allow for the movement of all sizes of wildlife, including large animals, on a regional scale. Approximately 96 percent of the site is occupied by disturbed habitat including developed and intense agriculture land which lacks overall vegetation preventing any corridors for wildlife. There is an existing drainage south of the property that connects with Sweetwater creek approximately 1.5 miles to the south of the proposed project which would likely be an ideal corridor that local wildlife would use.

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

The majority of the site is mapped as "agriculture" and "developed". There is a small portion of the site adjacent to the PAMA that is mapped as very high habitat value. The habitat mapped in this location consists primarily of disturbed habitat, non native grassland, and Southern willow scrub. These habitats are highly affected from existing development and agricultural uses. To comply with Biological Mitigation Ordinance, the project will be mitigating

for all impacts to this habitat through off site mitigation. The site is not within a larger mosaic of sensitive habitats that would contribute to a regional preserve assembly.

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

The land does not consist, nor is it within a block of undisturbed habitat greater than 500-acres. There are extensive agricultural and residential uses surrounding the project site, the property would not qualify as having high conservation value, nor would it contribute to a diverse preserve assembly. The site is primarily abandoned agricultural land with three existing residences. The open space to the south contains approximately 50 acres. The nearest large block of diverse and undisturbed habitat within the MSCP is located at least one half mile to the south.

v. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

Sensitive species detected on or near the site during surveys completed by Helix biologist Kathy Pettigrew in 2005, included Cooper's hawk and Western bluebird. No other sensitive species have been identified in this area. As such, the project site does not support a high number of sensitive species. The soils on site are mapped as Friant fine sandy loam, Placentia sandy loam, and Vista coarse sandy loam. Friant sandy loam is derived from metavolcanic rock and can support sensitive native plant species though none were observed on-site.

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

Project impacts will be mitigated by off-site preservation. Off-site purchases will be for .46 acres of wetland habitat and .23 acres of non-native grassland. These purchases will be within a County-approved mitigation bank in a BRCA in the MSCP.

III. Biological Mitigation Ordinance Findings

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

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

The project will not impact any of these types of resources. Project design criteria, including attachments G and H of the BMO, are not required.

IV. Subarea Plan Findings

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

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

There are portions of the disturbed drainage through the center of the site that qualify Waters of the U.S. and state jurisdictional drainages. However, there are no "wetlands" on-site. Therefore, there will be no net loss of wetlands due to this project. The project will be conditioned to obtain appropriate permits from the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Game (CDFG).

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

The off-site mitigation within a BRCA for impacts to non-native grassland and wetland habitat will be effective in maximizing diversity and preserving unique resources than trying to accommodate additional preservation on-site.

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

There are no stands of Coastal Sage Scrub on the site. The MSCP habitat evaluation model ranks the site as developed, agriculture, and very high value. The "very high value" habitat is located on the western portion of the southern border that is adjacent to PAMA. The habitat mapped in this location consists primarily of disturbed habitat, non native grassland, and Southern willow scrub. These habitats are very small in size consisting of less than .4 acres of non native grassland and less than .15 acres of Southern willow scrub. These habitats are also highly disturbed from existing uses, therefore off site habitat mitigation will be implemented.

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

The project is mitigating for grasslands and wetland habitats off site within a BRCA which will benefit a wide-range of species that would utilize these vegetation communities. The project will implement 100-foot fuel modification zones on the southern boarder therefore precluding the need for future fire-clearing in the adjacent Damon Lane County Park. The project will comply with the San Diego County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) and the Stormwater Management Plan, received by DPLU on October 30, 2007 which will prevent adverse impacts from runoff to adjacent Open Space.

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

Due to existing development and historical agricultural use from the Hooper Poultry Farms chicken ranch the majority of the site is completely disturbed. Therefore, it is not possible or desirable to create a significant block of habitat on the site.

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

No sensitive plant species were observed on-site. Two sensitive bird species were observed on-site: Cooper's hawk (*Accipiter cooperii*) and western bluebird (*Sialia mexicana*). The project will be conditioned to prevent any disturbance during avian breeding season. Sensitive habitats include six vegetation communities: freshwater marsh, southern willow scrub, mule fat scrub, disturbed wetland, disturbed emergent wetland, and non-native grassland. Off-site mitigation purchases within MSCP will be for .46 acres of wetland habitat and .23

acres of non-native grassland. The mitigation will effectively conserve these sensitive habitats.

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

The site is not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. Therefore, the project will not affect any large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule Deer, Golden Eagles and large predators.

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

No narrow endemic species have been identified on the project site. The following County-sensitive wildlife were observed on-site: Cooper's hawk (*Accipiter cooperii*) and western bluebird (*Sialia mexicana*). Impacts to these species will be minimized by the implementation of breeding season avoidance. Such mitigation will be a condition of project approval. No other sensitive species have been identified on or around the project site.

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

The project site is not considered a Biological Resources Core Area for the reasons stated in section II.A. The site has low biological diversity, limiting its potential to support significant habitat blocks or populations of any species. In addition, existing development on-site and adjacent to it, preclude the majority of the site from being a biologically-viable preserve. Therefore, development of the site will not hinder possible preserve systems within the Subarea Plan.

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

The project is not proposing any on-site open space.

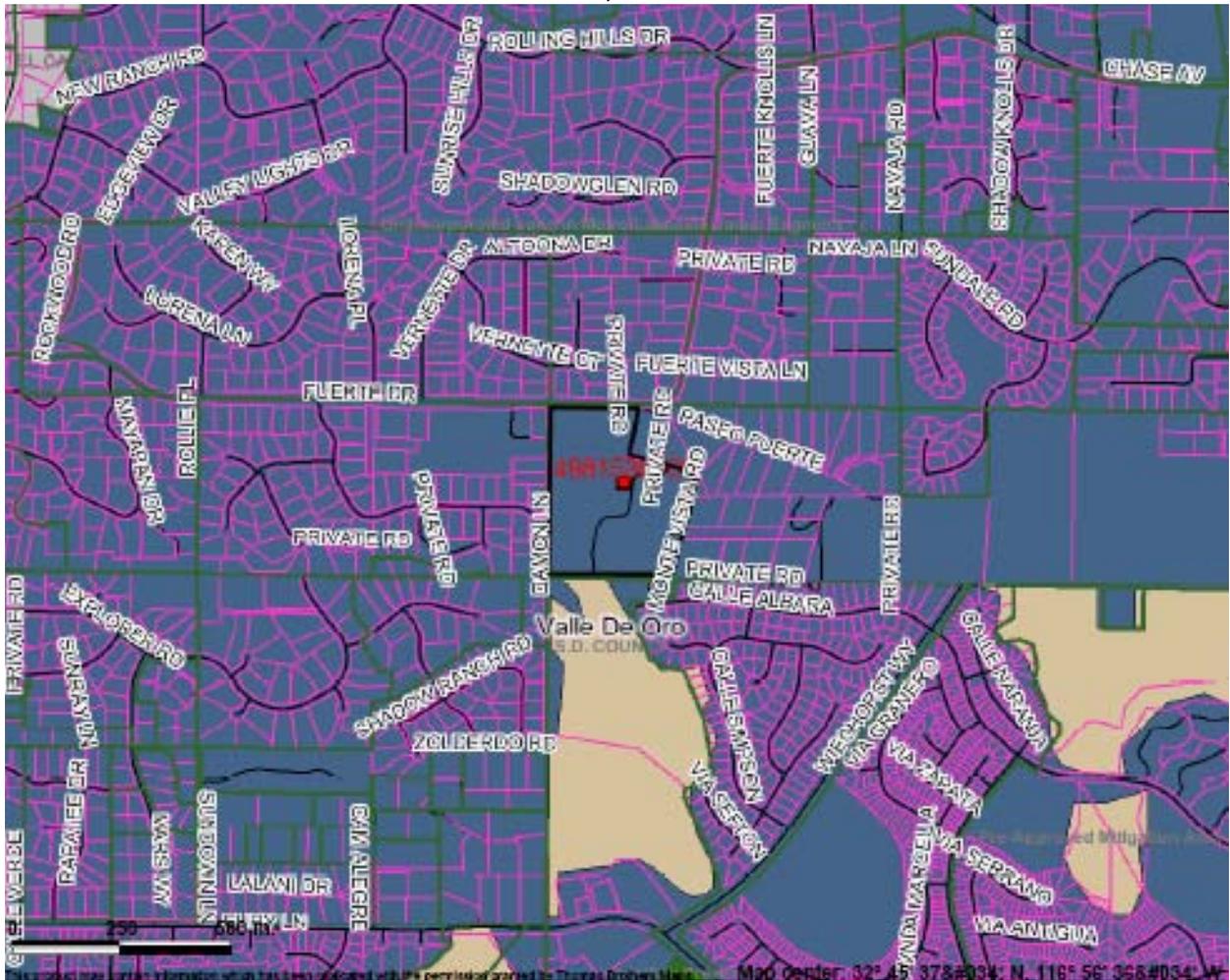
11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not a BRCA. There were two sensitive avian species detected on-site during surveys: Cooper's hawk (*Accipiter cooperii*) and Western bluebird (*Sialia mexicana*). No significant populations of sensitive species are expected to reside on the property due to its history of disturbances and existing surrounding land uses. The project site as a whole is not considered sensitive. Yet, there are sensitive resources on-site. The areas of non-native grassland and wetland habitat that will be impacted by the project will be fully mitigated off site in a BRCA where the preservation will contribute to regional preservation of species and diverse habitats.

Monica Bilodeau, Department of Planning and Land Use
October 15, 2007

MSCP Designation for

Fuerte Ranch Estates TM 5343; ER 03-14-060



<ul style="list-style-type: none">  Parcels  Highways  Freeways  Streets Water Bodies  Water Bodies MSCP_Designations - South  Hardline Preserve  Pre-Approved Mitigation Area (PAMA)  Major Amendment Area  Minor Amendment Area  Minor Amendment Area Subject to Special Considerations 	<ul style="list-style-type: none">  Conserved Subject to Agreement with Wildlife Agencies  Santa Fe Valley Open Space II  Santa Fe Valley 'D' Designator  Otay Ranch Areas Where No Take Permits will be Issued  Take Authorized Area  Unincorporated Land in Metro-Lakeside-Jamul Segment  Other  Community Planning Area
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