

**FINDINGS OF CONFORMANCE  
 MULTIPLE SPECIES CONSERVATION PROGRAM  
 For Preski/Gonya  
 TPM20720**

**August 25, 2008**

**I. Introduction**

The project proposes a minor subdivision of 38.9 acres into two parcels of size 19.45 and 19.46 gross acres. Impacts associated with development include an access road, construction of two pads with associated fire clearing, driveways and leachfields.

The project site is located at 16887 Skyline Truck Trail in the unincorporated community of North Jamul. The site is within the Metro-Lakeside Jamul segment of the MSCP.

The site is steep and mostly undeveloped. Large rock outcroppings are scattered throughout the site. The vegetation onsite is dense southern mixed chaparral. Surrounding the site is undeveloped lands scattered with development.

Based on a biological report prepared by Robin Church and dated May 2008, three sensitive plant species were observed onsite: Felt-leaved monardella, Brewer's calandrinia and Palmer's sagewort. Three sensitive animal species were observed onsite: Hermes copper butterfly, San Diego horned lizard and Turkey Vulture. An additional twelve sensitive animal species were rated with a high potential to occur onsite.

Approximately 40% of the site will be impacted including impacts to 13.55 acres of southern mixed chaparral. However, all of the likely Hermes habitat has been preserved and will not be impacted by the project. The County Group A sensitive plant species, felt-leaved monardella will be avoided. Impacts and proposed mitigation are summarized in Table 1.

Table 1. Impacts to Habitat and Required Mitigation

<b>Habitat Type</b>	<b>Tier Level</b>	<b>Existing On-site (ac.)</b>	<b>Proposed Impacts (ac.)</b>	<b>Mitigation Ratio</b>	<b>Required Mitigation</b>	<b>Open space (ac.)</b>
Southern Mixed						
Chaparral	III	36.6	13.55	1:1	13.55	23.05
Orchard	IV	0.7	0.7	NA	NA	NA
Developed	IV	1.6	1.05	NA	NA	0.55
<b>Total:</b>	--	38.9	15.3	--	13.55	

The findings contained within this document are based on County records, staff field site visits and the Biological report prepared by Robin Church and dated May 2008. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental

review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and 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 site qualifies as a BRCA due to its location and the presence of sensitive species. Three sensitive plant species and three sensitive animal species were observed onsite. At least twelve sensitive animal species were rated with a high potential to occur onsite. The land is adjacent and contiguous to surrounding undisturbed habitats. Since the land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, it therefore qualifies the site as a BRCA under Section 86.506(a)(1)(a)(vi) of the BMO. Additionally, the land is located within an area that contains spiny redberry and California buckwheat, habitat that contributes to the long term survival of the sensitive species, Hermes copper butterfly and is adjacent and contiguous to habitat within the PAMA. Thus, the site also qualifies as a BRCA under Section 86.506(a)(1)(a)(ii).

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

As a Biological Resource Core Area, the open space resulting from this project is considered part of the regional MSCP preserve system. As such, all of the requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan apply to this open space.

### 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.

**1. Project development shall be sited in areas to minimize impact to habitat.**

The proposed development is situated close to Skyline Truck Trail and existing development to the east of the project site. The pads for both proposed parcels are situated where there is existing disturbance associated with a mobile home (to be removed) and an orchard. Approximately 37% of the native habitat onsite will be impacted by the project. However, the resulting 23.6 acres of open space allows for sensitive species onsite to continue to utilize it.

**2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.**

Clustering has been achieved to some extent by proposing the pads for both proposed parcels close to Skyline truck trail (and near existing disturbance associated with a trail home and orchard) and existing development to the east.

**3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

The majority of the steep slopes onsite support southern mixed chaparral and are included as part of the biological open space easement to protect the integrity of the wildlife corridor onsite and the connection to undisturbed offsite areas. Thus, encroaching onto steep slopes would not in fact avoid impacts to habitat.

**4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

The project's road standards are at the minimum necessary to ensure public health and safety. No additional reductions are/were possible. This criteria was not used to reduce or avoid impacts.

**5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve**

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

The proposed project is in compliance with Attachments G and H. See below for additional details.

**B. Preserve Design Criteria (Attachment G)**

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

- 1. Acknowledge the “no net loss” of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

There are no wetlands onsite and thus the no net loss wetlands standard has been met.

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

The Spiny redberry combined with the flat-topped buckwheat onsite may be considered a unique habitat as it respectively provides host plant for larva and nectar for adults of the Hermes copper butterfly, a narrow endemic species to the San Diego bioregion. The project proposes to preserve 100% of this habitat within a large block of onsite biological open space. The biological open space preserves all of the felt-leaved monardella observed onsite. It includes varied topography of ridges and valleys and boulder outcroppings and is connected to offsite undisturbed lands. Thus, project design meets this Finding.

- 3. Provide for the 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 value by the MSCP habitat evaluation model.**

There were no habitats onsite that were rated with a high or very high biological value by the MSCP habitat evaluation model. However, due to the presence of sensitive species and connectivity to offsite undisturbed habitats, the habitat onsite is considered of high value. The open space design is a large connected block that preserves potential Hermes habitat and County Group A sensitive species. Thus, project design meets this Finding.

- 4. Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

The 38.9 acre site is largely undeveloped (besides 2.3 acres associated with a trailer home and orchard). The block of habitat preserved is within the northwestern portion of the property and continues to the south and to the southeast and retains continuity with undeveloped lands offsite. Local wildlife corridors occur north and east of the site in PAMA. The northwest-southeast direction of wildlife movement is not compromised as a result of project development. Measures to reduce edge effect impacts include the installation of fencing and signs at key locations around the open space and placement of a limited building zone to restrict future development adjacent to the preserve. These measures and the size of the open space will reduce edge effects and provide for a viable preserve.

- 5. Provide incentives for development in the least sensitive habitat areas.**

The entire site may be considered sensitive. However, development has been situated as close as possible to Skyline truck trail (and near existing disturbance associated with a trail home and orchard) and existing development to the east. Sensitive species observed onsite should be able to continue to utilize the site as a result of large block of onsite preservation contiguous to offsite undeveloped lands.

- 6. Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

All of the 4.32 acres of suitable Hermes copper habitat onsite will be preserved. Although, the Hermes copper butterfly is not listed as a narrow endemic species in Attachment D of the BMO, it is still considered a narrow endemic species to the San Diego bioregion. As a result of project design, impacts to narrow endemics have been avoided.

- 7. Preserve the biological integrity of linkages between BRCAs.**

The biological integrity of linkages between BRCAs has been preserved. A large block of biological open space (23.6 acres) will be dedicated onsite that will allow for continued wildlife movement through the site, including a path to a drainage network south of the property.

**8. Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).**

No covered species were observed on-site. However, the project site contains habitat that could support covered species. The mitigation measures proposed – biological open space, limited building zones, fencing, open space signs and breeding season avoidance – will adequately mitigate for any potential impacts to covered species and habitats.

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

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

**1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.**

There is an identified habitat linkage offsite that runs in a southeast-northwest direction. However, there is development within this linkage. The onsite open space is contiguous with offsite undeveloped lands and allows for a continued northwest-southeast direction of wildlife movement. Onsite habitat linkages and/or corridors have been preserved and allow for wildlife movement to undeveloped lands and a drainage network to the south of the site.

**2. Existing movement corridors within linkages will be identified and maintained.**

Movement corridors onsite have been identified and preserved. Wildlife can continue to move through the property connecting to undeveloped lands and drainage networks.

**3. Corridors with good vegetative and/or topographic cover will be protected.**

The onsite open space preserves southern mixed chaparral interspersed with large boulder outcrops along a ridge and valley. The area to be developed has been situated as close as possible to Skyline truck trail (and near existing disturbance associated with a trail home and orchard) and existing development to the east.

**4. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.**

The proposed open space is vegetated with well-developed southern mixed chaparral with limited to no disturbance. In addition, the open space will preserve the ridge, valley and rock formations. The open space is adjacent to

undisturbed lands and should contribute to a regional linkage allowing for movement of a range of wildlife species. Therefore, the project will meet this finding.

- 5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**

The identified PAMA linkage includes a small portion of the northeastern corner of the site and runs in a northwest-southeast direction. However, existing development already occurs in this portion of the PAMA. Thus the linkage may be considered to be the portion of the site that is within open space easement and allows for wildlife through the parcel from the north to the drainage network to the south. East west movement is also not precluded. There is a 330 foot wide section of open space that connects the site to undeveloped land to the southeast.

- 6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.**

The width of the open space in the northwestern portion of the site is 427 feet and it extends south for a length of 440 feet, before widening to a width of 1,283 feet at the southern boundary of the property. The width of the west-east linkage narrows to 330 feet over a distance of 300 ft in the southeastern portion of the site. However, it should be noted that all of the proposed open space is contiguous with undeveloped land and thus the width of the north-south and east-west linkage is in fact much greater and wildlife movement is not precluded as a result of development.

- 7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

The valley towards the southern portion of the site will be preserved and allows for visual continuity to the drainage system offsite to the south.

- 8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

The open space will have low levels of human disturbance due to its inaccessibility and mostly steep terrain and dense vegetative cover. In addition, proposed fencing, signs and a limited building zone will provide protection from future human encroachment. Two single family residences will not contribute to significant sources of noise or light. Thus the project meets this Finding.

- 9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

No roads are proposed or other barriers are proposed within the open space preserve. An access road will wind from Skyline Truck Trail to the two proposed residences only, but this is outside of the open space area.

- 10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.**

No wildlife crossings are proposed with the project.

- 11. If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.**

Continuous corridors do exist and should not be precluded as a result of project development.

#### **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 no wetlands onsite and thus the no net loss wetlands standard has been met.

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

The Spiny redberry combined with the flat-topped buckwheat onsite may be considered a unique habitat as it respectively provides host plant for larva and nectar for adults of the Hermes copper butterfly, a narrow endemic species to the San Diego bioregion. The project proposes to preserve 100% of this habitat within a large block of onsite biological open space. The biological open space preserves all of the felt-leaved monardella observed onsite. It includes varied topography of ridges and valleys and boulder outcroppings and is connected to offsite undisturbed lands. Thus, project design meets this Finding.

**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 were no habitats onsite that were rated with a high or very high biological value by the MSCP habitat evaluation model. However, due to the presence of sensitive species and connectivity to offsite undisturbed habitats, the habitat onsite is considered of high value. The open space design is a large connected block that preserves potential Hermes copper butterfly habitat and County Group A sensitive species. Thus, project design meets this Finding.

**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 38.9 acre site is largely undeveloped (besides 2.3 acres associated with a trailer home and orchard). The block of habitat preserved is within the northwestern portion of the property and continues to the south and to the southeast and retains continuity with undeveloped lands offsite. Local wildlife corridors occur north and east of the site in PAMA. The northwest-southeast direction of wildlife movement is not compromised as a result of project development. Measures to reduce edge effect impacts include the installation of fencing and signs at key locations around the open space and placement of a limited building zone to restrict future development adjacent to the preserve. These measures and the size of the open space will reduce edge effects and provide for a viable preserve.

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

The entire site may be considered sensitive. However, development has been situated as close as possible to Skyline truck trail (and near existing disturbance associated with a trail home and orchard) and existing development to the east. Sensitive species observed onsite should be able to continue to utilize the site as a result of large block of onsite preservation contiguous to offsite undeveloped lands.

**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.**

All of the 4.32 acres of suitable Hermes copper habitat onsite will be preserved. Although, the Hermes copper butterfly is not listed as a narrow endemic species in Attachment D of the BMO, it is still considered a narrow endemic species to the San Diego bioregion. As a result of project design, impacts to narrow endemics have been avoided.

**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 biological integrity of linkages between BRCAs has been preserved. A large block of biological open space (23.6 acres) will be dedicated onsite that will allow for continued wildlife movement through the site, including a path to a drainage network south of the property.

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

The project has conserved the monardella population within a biological open space easement.

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

A small portion of mapped PAMA occurs in the north eastern corner of the site. The PAMA linkage runs in a northwest-southeast direction connecting XXX to XXX. The

mapped linkage in the project vicinity has been compromised as a result of development. However, the open space onsite will act towards forming a preserve as it is adjacent to undeveloped lands and allows for wildlife movement.

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

The 38.9 acre site that is largely undeveloped (besides 2.3 acres associated with a trailer home and orchard). The block of habitat preserved is within the northwestern portion of the property and continues to the south and to the southeast and retains continuity with undeveloped lands offsite. Local wildlife corridors occur north and east of the site in PAMA. The northwest-southeast direction of wildlife movement is not compromised as a result of project development. Measures to reduce edge effect impacts include the installation of fencing and signs at key locations around the open space and placement of limited building zones to restrict future development adjacent to the preserve. These measures and the size of the open space will reduce edge effects and provide for a viable preserve.

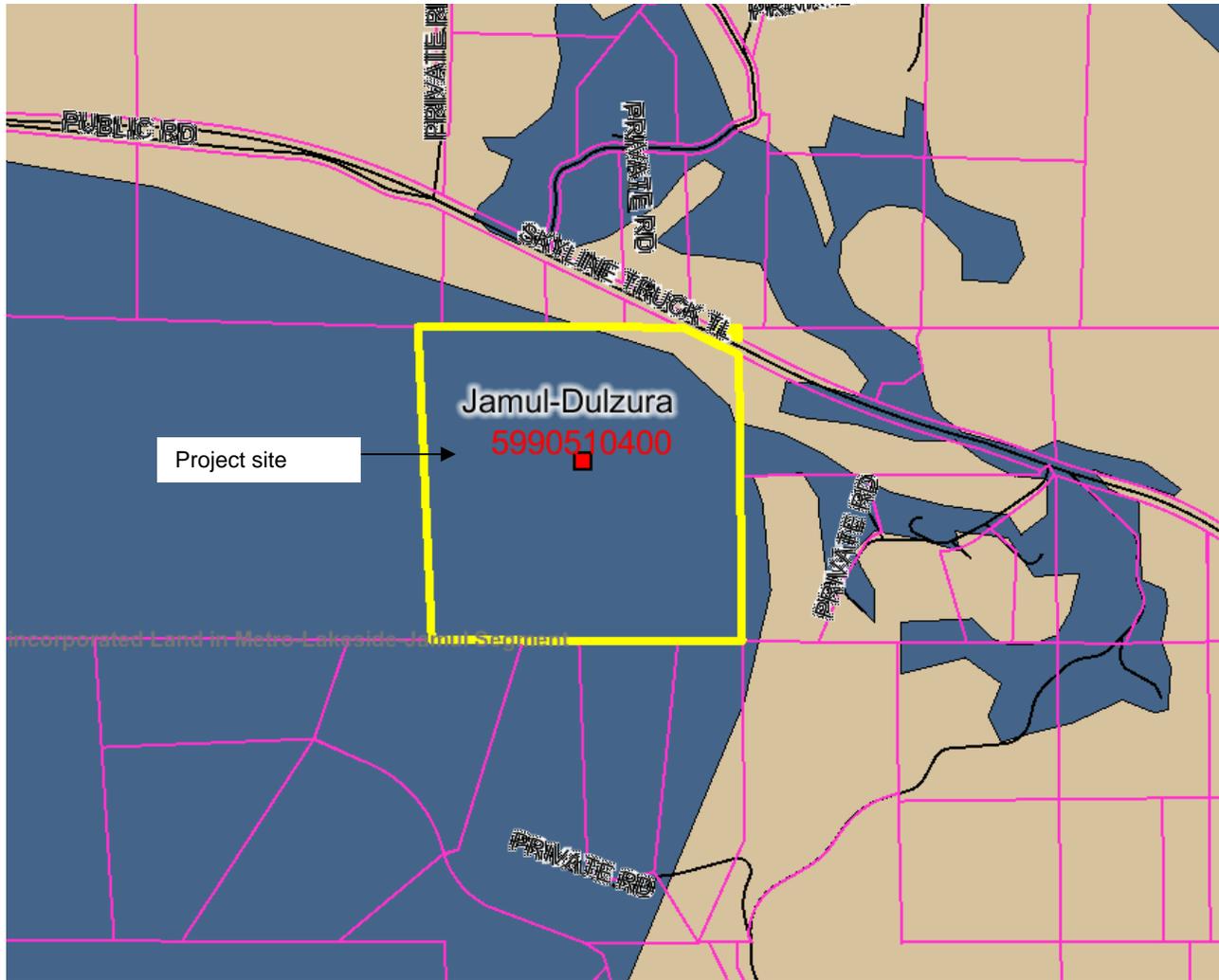
**11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project has made every effort to avoid impacts to BRCA's. Of the 38.9-acre site, there are 15.3 acres of impact proposed associated with the development of two single family residences. The project design was reduced from four to two pads to avoid impacts to sensitive habitats including the portion of the site considered Hermes copper butterfly habitat and onsite felt-leaved monardella populations. The onsite conservation of 23.6 acres is in one continuous block such that edge effects are minimized and wildlife movement is not precluded.

Terri Foster, Department of Planning and Land Use

August 25, 2008

# MSCP Designation For TPM 20720



- Streets
- Freeways
- Parcels
- Lakes
- Rivers
- - - Creeks

- Major Amend Area
- Minor Amend Area
- MSCP PAMA
- Take Authorized Areas
- Planned Preserve
- Biological & Openspace Easements